

*F. D. Richardson*

# GOVERNOR'S MESSAGE

TO THE  
LEGISLATIVE ASSEMBLY  
OF THE TERRITORY OF UTAH.

DEC. 13, 1858

GENTLEMEN OF THE COUNCIL

AND HOUSE OF REPRESENTATIVES:—

It has become my duty to communicate to the Legislative Assembly, information on the condition of the Territory, and to recommend such measures as I judge to be necessary for its welfare.

To Almighty God we should return thanks for all the blessings he has bestowed upon this people; especially for averting from them the threatened horrors of civil war, and restoring to them the comforts of home, with health, peace, and general prosperity.

The events which have transpired here within the last two years have excited great solicitude throughout the country, and attracted public attention to this Territory.

The President of the United States, in the exercise of his constitutional authority, determined, in the early part of last year, to re-organize this Territory by the appointment of new civil officers; and, at the same time, he ordered a detachment of the Army to this point, to perform the ordinary military duties, and to act as a military posse, upon the requisition of the proper civil officer. The General, in command of this detachment, received written orders, designating his duties, and forbidding him, his officers, or men "to attack any body of citizens, whatever, except upon requisition, or in sheer self-defence."

The President was induced to pursue this course of action, in consequence of reiterated statements made by men, who had

lived in your midst, and the seditious language used by some of you, influential writers and public speakers.

In this connection, it is proper I should announce my opinion, that a large number of the inhabitants of Utah participated, subsequently, in positive acts of rebellion against the Federal Government. Under these circumstances I entered Great Salt Lake City on the twelfth day of April, 1858, and availed myself of every suitable occasion to notify the inhabitants that I required unconditional submission to the laws; that I would sustain the civil officers in the proper performance of their duties and maintain the public peace.

After a residence of some weeks among you, I announced to the Government at Washington that the disaffected portion of the community had returned to their duty, and would receive and obey the newly appointed civil officers. Subsequently, the President's proclamation of the 6th April last was promulgated. It offered a full and free pardon to all who would submit to the authority of the Federal Government.

By your acquiescence in the conditions of this pardon, all political difficulties between the Federal Government and the people of Utah are adjusted; and I trust that your future history will attest the sincerity of your professions of devotion to the Constitution and to the laws.

The Government of the Territories has been characterized by certain individuals as a relic of barbarism and a system of oppression. These cavillers should remember that the patriots and sages, whose memory they profess to revere, not only achieved our independence, and framed the Constitution, but inaugurated also the system of Territorial Government;—a government of constitutional laws. We must rely upon them for protection. All communities of freemen possess an inherent right of revolution and self-government;—but communities, like individuals, have their periods of infancy and tutelage, preceding those of matured strength and independent action. When abuses exist in the government of a Territory, the true remedy consists in an appeal to the parent government for redress.

You complain that civil officers are sometimes unmindful that their offices were created for the benefit of the whole community, and not exclusively for their own; but public opinion does not justify resistance to their authority on that account.

The maintenance of the army, and the incidental expenses



attending its support, require very large disbursements in the Territory. These necessarily increase the price of labor and its products. Hence the length of time the army will remain here becomes a question in which your constituents are pecuniarily interested.

In considering this question it is necessary to refer you to the following clause contained in the Proclamation of the President:—

"The military force now in Utah, and hereafter to be sent there, will not be withdrawn until the inhabitants of that Territory shall manifest a proper sense of the duty which they owe to this Government."

In view of this clause every honorable citizen of this Territory must feel the presence of the army as a reproach upon his patriotism. It therefore behooves you to avoid even the semblance of disloyalty, for in your present condition it is not sufficient that you manifest a proper sense of that duty which you owe to the government, but public opinion must be satisfied of your loyalty. It would be unreasonable, under existing circumstances, to expect that the transient population now here, will exercise any influence to hasten the removal of the army, a removal contrary to their pecuniary interests—nor can you expect that they will undertake the task of your vindication.

The public press and private correspondence will finally reveal the truth with regard to your community. This must be a work of time, and therefore, I believe that the detachment of the army, now stationed here, will enjoy your fine mountain climate, and have ample time to perfect that discipline, for which, as a corps, it is even now, greatly distinguished.

The Postmaster General has invited proposals for the transportation of your domestic mails, and I hope that the community will soon enjoy the benefits which will result therefrom.

Government has recently established overland mail routes upon a most liberal basis. This arrangement will furnish greatly increased facilities for travel and correspondence between the Atlantic and the Pacific States. The successful operation of this great enterprise will produce an almost continuous line of settlements extending across the continent—and this now isolated Territory will be brought into more familiar contact with other portions of the country.

To enable the people to be, to some extent, independent of im-

portations, we should encourage domestic manufactures—but an entire independence in such matters, is neither practicable nor desirable. Social intercourse and commercial exchanges are indispensable to true progress. Neither communities nor individuals can secure permanent prosperity or happiness in a condition of complete isolation.

Soon after my arrival in this Territory I communicated to the Secretary of War my views in regard to the supposed practicability of navigating the waters of the Yellowstone, including its tributary, the Bighorn. By the adoption of this route, navigation might be established from the Missouri river to a point not exceeding four hundred miles from Salt Lake City. I also requested him to order a detachment from Camp Scott with instructions to make a reconnoissance between Wind river and the confluence of the Yellowstone with the Missouri.

The acts of kindness extended by this people to the Indians, who inhabit these valleys, are creditable to their own generosity and forbearance; but they seem to have confirmed the Indians in slothful and vicious habits—and fostered a spirit of insubordination, which prompts them occasionally to commit acts of violence against their benefactors.

The government has established Indian farms in this country, which, if considered as a means of inducing Indians to labor, and produce the articles necessary for their subsistence, seem to have been unsuccessful in accomplishing those objects—and unless they can be conducted differently in future, it would be well for the Indian Department to purchase food for them, rather than endeavor to induce them to cultivate the soil. The Indians must be fed. The supply of game is already insufficient, and they cannot subsist much longer upon the precarious aid received from the hand of charity.

I will call your attention to certain recent occurrences. A brutal assault was committed by some Indians, in the vicinity of Spanish Fork, upon the persons of a woman and her child. To enable the agent to make the arrests of the offenders, it became necessary to resort to a military force—and an Indian, not one of those charged with the offence, was unfortunately killed. The culprits were arrested, and are now in confinement, awaiting trial before the Second United States District Court. The dead bodies of two respectable citizens of Millard county were found recently near the road to Chicken creek, supposed to have been

killed by Indians. Superintendent Forney is now in the neighborhood of Manti, to investigate the affair, and will endeavor to secure the persons of the murderers. The verdict of the coroner's jury in the case is now in the hands of the United States District Attorney, who will prosecute the murderers when arrested.

I cannot too strongly urge upon you the necessity of extending the benefit of common schools to every child in the Territory—and would recommend the levying a general tax for the support of such schools. On the proper education of its youth depends the prosperity and happiness of a community. The statistical reports of the prisons in this and other countries, show that the proportion of crime is in an inverse ratio to the amount of proper education received.

I would call your attention to providing means for enforcing the law relative to bridging the irrigating ditches, across public highways. Under present circumstances, they are causes of serious inconvenience to travelers.

I entertain the opinion that it has become indispensably necessary to provide for the building a secure and commodious jail, at some point near the centre of population, for the confinement of persons charged with criminal offences, and recommended a tax for defraying the expense of its construction.

As errors in the forms of legislation are liable to occur in all new Territories, I would suggest the appointment of a committee to revise the acts and resolutions of the Legislative Assembly of this Territory, with instructions to report to your next annual meeting, or earlier if deemed expedient.

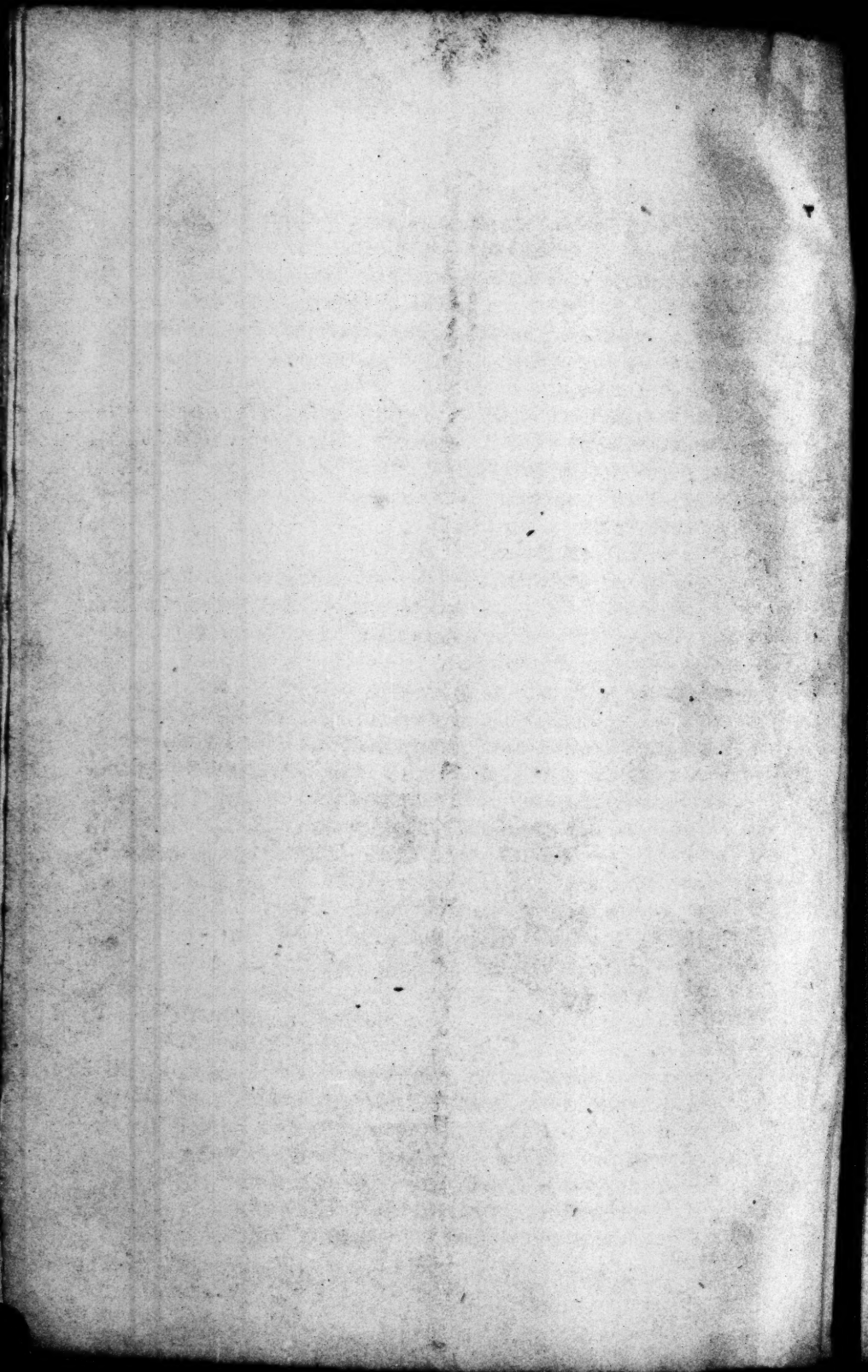
It is necessary that you take early action in filling offices, vacant in the Territory, in consequence of the parties elected having failed to be qualified—and in other cases where the offices have not been filled.

There does not appear to have been any provisions made hitherto for defraying the expenses of the Courts, when sitting on Territorial business, nor for the payment of charges for the maintenance and custody of prisoners. The importance of this subject will I hope secure for it your consideration.

I herewith transmit the report of the Auditor of Public Accounts and that of the Territorial Treasurer, which I submit for your action.

A. CUMMING.





# COUNCIL MINUTES.

COUNCIL ROOM IN THE SOCIAL HALL, G.S.L. CITY, U.T.,  
Dec. 13, 1858, 10 a. m.

Mr. Leo Hawkins, former Secretary of the Council, called to order and read the roll, the following members answering to their names:—

From Great Salt Lake County—Heber C. Kimball, Daniel H. Wells, Albert Carrington, F. D. Richards, W. Woodruff.

From Davis County—Joseph Holbrook.

From Malad, Cache, Weber and Box Elder Counties—Lorenzo Snow, Lorin Farr.

From Iron and Washington Counties—George A. Smith.

Officers of the Council were unanimously elected as follows:—  
Daniel H. Wells, President.

Leo Hawkins, Secretary.

John L. Smith, Assistant Secretary.

Joseph S. Smith, Sergeant-at-Arms.

Samuel L. Sprague, Messenger.

Samuel H. B. Smith, Foreman.

The officers were severally sworn by the Hon. Elias Smith, Probate Judge for G.S.L. County.

Prayer by Hon. H. C. Kimball.

On motion of Councilor Smith, the House was notified that the Council was organized and ready for business.

On motion of Councilor Carrington, the absent members, to wit: Benjamin F. Johnson, Leonard E. Harrington, Warren S. Snow and Lewis Brunson were excused for their absence.

A. Carrington presented the following:—

“Resolution adjourning to Fillmore.

“Be it resolved by the Governor and Legislative Assembly of the Territory of Utah, that this Legislative Assembly do now, December 13th, 1858, adjourn to meet in the State House in Fillmore City, on Saturday the 18th inst., at 10 a.m.”

On motion of Councilor Smith, the resolution was unanimously adopted and sent to the House for their concurrence.

The following messages were received from the House:

“You are respectfully informed that the House of Representatives is now organized and ready to proceed to business.”

“Your ‘Resolution adjourning to Fillmore’ is concurred in by the House.”

On motion of Councilor Carrington, the Council adjourned to meet in Fillmore, in compliance with the ‘Resolution’ just passed by the two Houses.

Benediction by Councilor Smith.

COUNCIL CHAMBER, STATE HOUSE, FILLMORE, U. T., }  
MONDAY, Dec. 13, 1858. }

Council met pursuant to proclamation by his Excellency Governor Cumming.

On motion of Councilor Johnson, the roll was called and the following members answered to their names:—

Warren S. Snow, Benjamin F. Johnson, Lewis Brunson and Leonard E. Harrington.

Councilor Brunson moved that L. E. Harrington be elected President pro tem. of the Council. Seconded and carried.

On motion of Councilor Snow, J. A. Ray was elected Secretary pro tem.

On motion of Councilor Johnson, George P. Billings was elected Sergeant-at-Arms pro tem., and instructed to search for and enforce the attendance of absent members.

On motion of Councilor Johnson, adjourned until 10 a. m. of Tuesday, Dec. 14.

---

COUNCIL CHAMBER, TUESDAY, Dec. 14, 1858.

Council met pursuant to adjournment.

Prayer by Counselor Snow.

Roll called.

There not being a quorum present, on motion of Councilor Snow, the Council adjourned until 10 a. m. of Wednesday, Dec. 15, 10 o'clock a. m.

---

COUNCIL CHAMBER, Wednesday, Dec. 15, 1858.

Council met pursuant to adjournment.

Roll called.

Prayer by Councilor Brunson.

On motion of Councilor Johnson, requiring information, the Sergeant-at-Arms reported that there were no other members of the Council to be found in that vicinity.

On motion of Councilor Johnson, the report of the Sergeant-at-Arms was accepted.

On motion of Councilor Brunson, the Council adjourned until 10 a. m. of Thursday, Dec. 16.

---

COUNCIL CHAMBER, THURSDAY, Dec. 16, 1858.

Council met pursuant to adjournment.

Roll called.

Prayer by G. P. Billings.

A quorum not being present, on motion of Councilor Snow, the Council adjourned until 10 a. m. of Friday, Dec. 17.



COUNCIL CHAMBER, FRIDAY, Dec. 17, 1858.

Council met pursuant to adjournment.

Roll called. No quorum.

Prayer by Councilor Johnson.

Council adjourned until 2 p. m. of same day.

2 P. M.

Council met pursuant to adjournment.

Roll called. No quorum.

Council adjourned until 10 a. m. of Saturday, Dec. 18.

COUNCIL CHAMBER, SATURDAY, Dec. 18, 1858, }  
10 A. M.

Council met pursuant to adjournment.

Hon. Wilford Woodruff was called to the chair as President pro tem.

Roll called. Quorum present.

On motion of Councilor Snow, Hon. Daniel H. Wells was elected President of the Council.

On motion of Councilor Richards, Leo Hawkins was elected Secretary.

On motion of Councilor Farr, John L. Smith was elected Assistant Secretary.

On motion of Councilor Holbrook, Joseph F. Smith was elected Sergeant-at-Arms.

On motion of Councilor Johnson, Dr. Samuel L. Sprague was elected Messenger.

On motion of Councilor Snow, Samuel H. B. Smith was elected Foreman.

Secretary Hartnett administered the oath of office to Messrs. John L. Smith and Samuel H. B. Smith.

Messrs. Rich and West appeared as a Committee from the House and reported that that body was organized and ready for business.

Councilor Farr moved that a Committee be appointed to wait upon the House and inform them that the Council was organized and ready to proceed to business, whereupon the President pro tem. appointed Councilors Richards and Johnson said Committee.

On motion of Councilor Richards, leave of absence was granted to Councilors D. H. Wells, H. C. Kimball, Geo. A. Smith and A. Carrington.

The following message was received from the House:—

"The House being ready for business, you are requested to meet with them, as soon as possible, in joint session."

On motion of Councilor Farr, the Council adjourned to meet immediately in joint session in the Representatives' Hall.

On dissolution of joint session, the Council assembled in the Council Chamber.

Councilor Snow presented "Resolution to adjourn the Legislative Assembly of Utah Territory to Great Salt Lake City."

Said Resolution was read and, on motion of Councilor Richards, adopted and sent to the House for their concurrence.

The following message was received from the House:

"Your 'Resolution to adjourn the Legislative Assembly of Utah Territory to Great Salt Lake City' has been concurred in by the House."

On motion of Councilor Snow, a note was addressed to Secretary Hartnett, informing him that the Council had adjourned, to meet in the Social Hall in G.S.L. City, on Monday, Dec. 27, at 10 a. m.

On motion of Councilor Johnson, the Council adjourned.

COUNCIL CHAMBER, SOCIAL HALL, G. S. L. City, )  
MONDAY, December 27, 1858. }

Council met pursuant to adjournment.

Roll called. Quorum present.

Prayer by Elder P. H. Young.

Secretary Hartnett appeared and administered the customary oath to Daniel H. Wells, President of the Council, also to the Secretary, Sergeant-at-Arms and Messenger of the Council.

Minutes of December 13th and 18th were read and accepted.

On motion of Councilor Kimball, P. H. Young was elected Chaplain of the Council.

The President of the Council appointed the following Standing Committees:

On Judiciary—H. C. Kimball, Albert Carrington, Leonard E. Harrington, George A. Smith.

On Claims—Wilford Woodruff, Lorin Farr, Lewis Brunson.

On Petitions and Memorials—George A. Smith, Franklin D. Richards, Benjamin F. Johnson, Lorenzo Snow.

On Revenue—L. E. Harrington, Wilford Woodruff, Joseph Holbrook, H. C. Kimball.

On Elections—Warren S. Snow, F. D. Richards, Lorin Farr.

On Counties—Lorenzo Snow, Lewis Brunson, B. F. Johnson.

Roads, Bridges, and Ferries—B. F. Johnson, L. E. Harrington, Lewis Brunson, Joseph Holbrook.

Library—F. D. Richards, L. E. Harrington.

Education—A. Carrington, G. A. Smith, F. D. Richards.

Printing—G. A. Smith, F. D. Richards.

Engrossing—Lorenzo Snow, A. Carrington.

Agriculture, Trade and Manufacture—H. C. Kimball, A. Carrington, W. Woodruff, Warren S. Snow, G. A. Smith.

Militia—F. D. Richards, Warren S. Snow, B. F. Johnson.

On motion of Councilor Smith, the House was requested to meet the Council in joint session, to receive any communication his Excellency Governor Cumming might be pleased to make.

The President appointed Councilors Snow, Richards and Farr a Committee on the part of the Council, to act in connection with a like Committee from the House, to wait upon his Excellency, the Governor, and inform him that the two Houses were ready to receive any communication he might be pleased to make.

The following message was received from the House:—

“You are respectfully informed that the House of Representatives are ready to meet you in joint session in their Hall immediately, and have appointed Messrs. Orson Hyde, Daniel Spencer and Hosea Stout a Committee to act with your Committee to wait on his Excellency the Governor.”

On motion of Councilor Carrington, the Council adjourned to meet the House in joint session in the Representatives' Hall.

On dissolution of joint session, the Council assembled in their Chamber.

On motion of Councilor Carrington, the Council adjourned until 11 a. m. of Tuesday, Dec. 28.

Benediction by the Chaplain.

COUNCIL CHAMBER, TUESDAY, Dec. 28, 1858, }  
11 a.m. }

Council met pursuant to adjournment.

Called to order by the President.

Roll called. Quorum present.

Prayer by the Chaplain.

Minutes of the 27th were read and accepted.

On motion of Councilor Richards, the freedom of the Council Chamber was tendered to his Excellency Governor Cumming, Ex-Governor Young, Secretary Hartnett, the Associate Justices and federal officers of the district courts of this Territory, the Superintendent of Indian Affairs, Hon. O. Pratt, E. T. Benson and Erastus Snow, Hon. Elias Smith, Judge of Probate for G. S. L. County and Hon. A. O. Smoot, Mayor of G. S. L. City.



Councilor Harrington presented a petition from the inhabitants of Pleasant Grove city, praying for a change in the location of the state road between that place and Lake city, which was read and, on motion of Councilor Woodruff, referred to the committee on Roads, Bridges and Ferries.

The President referred that part of the Governor's Message pertaining to Schools, to the committee on Education; that part pertaining to levying taxes, to the committee on Revenue; that part pertaining to bridging water sects, to the committee on Roads, Bridges and Ferries; that part pertaining to building a jail, to the committee on Counties; that part in regard to a revision of the laws, to the committee on Judiciary; that part pertaining to filling offices rendered vacant by removal, etc., to the committee on Judiciary.

On motion of Councilor Woodruff, the reports of the Territorial Treasurer and Auditor of Public Accounts were read.

The President instructed the members of the Council in relation to the duties required of them, and requested that all be prompt in preparing business for the action of the Council.

On motion of Councilor Smith, the Council adjourned until 11 a.m. of Wednesday, Dec. 29.

Benediction by the Chaplain.

---

COUNCIL CHAMBER, WEDNESDAY, Dec. 29, 1858, }  
11 a.m. }

Council met pursuant to adjournment.

Called to order by the President.

Roll called. Quorum present.

Prayer by the President.

Minutes of the 28th read and accepted.

Councilor Snow, chairman of the committee on Elections, reported (C. F. No. 1) "An Act apportioning the representation of Utah Territory."

On motion of Councilor Farr, the bill was received, and passed its first reading.

Said bill was read the second time and, on motion of Councilor Smith, was laid on the table to come up in its order.

Councilor Kimball, chairman of the committee on Judiciary, reported (C. F. No. 2) "An Act in relation to Carson, St. Mary and Humboldt counties."

On motion of Councilor Johnson, the bill was received, and passed its first reading.

On motion of Councilor Richards, the bill was laid on the table to come up in its order.

Councilor Kimball, chairman of the committee on Judiciary, presented (C. F. No. 1) "An Act defining the Judicial Districts for the District Courts in Utah Territory," which was read and, on motion of Councilor Smith, referred back to the committee on Judiciary.

The President referred that portion of the Governor's Message relating to Indians, to the committee on Indian Affairs; that portion in regard to providing means to defray the expenses of courts, to the committees on Revenue and Judiciary.

On motion of Councilor Richards, the Council adjourned until 11 a.m. of Thursday, Dec. 30.

Benediction by the Chaplain.

COUNCIL CHAMBER, THURSDAY, Dec. 30, 1858, }  
11 a.m. }

Council met pursuant to adjournment.

Called to order by the President.

Roll called. Quorum present.

Prayer by the Chaplain.

Minutes of the 29th read and accepted.

Councilor Holbrook presented a petition from Anson Call and Reuben McBride, praying for a herd ground on the Sevier river.

The President appointed Councilors Farr, Brunson and Holbrook a standing committee of the Council on Incorporations.

On motion of Councilor Smith, the petition of Anson Call and Reuben McBride was referred to the committee on Incorporations.

Councilor Kimball, chairman of the Judiciary committee, reported (C. F. No. 4) "An Act concerning costs and fees of Territorial courts," which was read and, on motion of Councilor Farr, received and laid on the table to come up in its order.

Councilor Harrington, chairman of the committee on Revenue, reported (C. F. No. 5) "An Act to repeal an act entitled 'An Act repealing the Territorial Tax,'" which was read and, on motion of Councilor Snow, received and laid on the table to come up in its order.

On motion of Councilor Smith, (C. F. No. 4) "An Act concerning costs and fees of Territorial courts" was taken up and read the first time and, on motion of Councilor Carrington, referred back to the committee on Judiciary, with instructions to include a fee bill for Probate Courts, and other amendments.

Councilor Kimball, chairman of the committee on Judiciary, reported back (C. F. No. 3) "An Act defining the three Judicial Districts for District Courts in the Territory of Utah," which was read and, on motion of Councilor Richards, received and laid on the table to come up in its order.

Councilor Kimball, chairman of committee on Judiciary, reported (C. F. No. 6) "An Act assigning the Chief Justice and the two Associate Justices to their respective Judicial Districts," which was read and, on motion of Councilor W. S. Snow, laid on the table to come up in its order.

On motion of Councilor Richards, (C. F. No. 3) "An Act defining the three Judicial Districts for the District Courts of the Territory of Utah," was called up and read and, on motion of Councilor Woodruff, passed its first reading.

On its second reading, on motion of Councilor Smith, it was referred to the committee on Counties.

By request of Councilor Farr, he was excused from attendance until Monday morning, Jan. 3, 1859.

On motion of Councilor Garrington, the Council adjourned until 11 a.m. of Friday, Dec. 31.

COUNCIL CHAMBER, FRIDAY, Dec. 31, 1858, }  
11 a.m. }

Council met pursuant to adjournment.

Called to order by the President.

Roll called. Quorum present.

Prayer by the Chaplain.

Minutes of Dec. 30th read and accepted.

Councilor Kimball moved that 100 copies of the daily minutes of each House be printed (the House concurring therein) for the use of the Legislative Assembly. Seconded and carried.

Councilor Brunson, chairman of committee on Incorporations, presented the following:—

"Your committee, to whom was referred the petition of Anson Call and Reuben McBride, praying for a herd ground in Millard county, respectfully ask leave to report unfavorably to the aforesaid petition, as the law already provides that the County Courts have the power to attend to all such business; therefore your committee ask to be excused from further duties upon the matter."

On motion of Councilor W. S. Snow, the report was received and the committee discharged from further duties on the subject.

Councilor Kimball, chairman of committee on Judiciary, reported back (C. F. No. 4) "An Act concerning costs and fees of Territorial courts" amended.

Said bill was read and, on motion of Councilor Woodruff, the report was received and the bill laid on the table to come up in its order.

Councilor L. Snow, chairman of the committee on Counties, reported as follows:—

"Your committee to whom was referred 'An Act defining the Judicial Districts for the District Courts in the Territory of Utah,' beg leave to report back the bill without any amendment, and recommend its passage."



On motion of Councilor W. S. Snow, the report was received, and the bill laid on the table to come up in its order.

(C. F. No. 1) "An Act apportioning the representation of Utah Territory," was taken up on its second reading and, on motion of Councilor Smith, 50 copies of the bill were ordered to be printed with open lines, for the use of the Assembly.

(C. F. No. 2) "An Act in relation to Carson, St. Mary and Humboldt counties" was taken up on its second reading and, on motion of Councilor Smith, referred to the committee on Counties.

The following message was received from the House:—

"The House of Representatives have this day concurred in the motion of the Council to print one hundred copies of the daily minutes for the use of the Legislative Assembly.

"Although the motion was made for the use of 'this House,' the intention was to supply the Council with the daily minutes."

(C. F. No. 5) "An Act to repeal an act entitled 'An Act repealing the Territorial Tax,'" was taken up on its first reading and, on motion of Councilor Smith, referred to the committee on Revenue.

(C. F. No. 6) "An Act assigning the Chief Justice and the two Assistant Justices to their several judicial districts was called up and, on motion of Councilor Smith, referred to the committee on Judiciary.

On motion of Councilor W. S. Snow, (C. F. No. 4) "An Act concerning costs and fees" was referred back to the committee on Judiciary.

(C. F. No. 3) "An Act defining the judicial districts for the district courts in Utah Territory" was taken up on its second reading and, on motion of Councilor Kimball, 50 copies ordered to be printed with open lines, for the use of the Assembly.

Councilor Woodruff presented a petition from James O. Steele and 13 others, praying for the repeal of an Act approved Dec. 27, 1855, granting unto Brigham Young and others a herd ground in Rush Valley.

On motion of Councilor Smith, the petition was referred to the committee on Incorporations.

Councilor Woodruff presented a petition from James O. Steele and others, praying for the disorganization of Shambip county and its reattachment to Tooele county.

On motion of Councilor Smith, the petition was referred to the committee on Counties.

Minutes read and accepted.

On motion of Councilor Johnson, the Council adjourned until 11 a.m. of Monday, Jan. 8, 1869.

Benediction by the Chaplain.

# COUNCIL.

COUNCIL CHAMBER, MONDAY, Jan. 3, 1859,  
11 A. M.

Council met pursuant to adjournment.

Called to order by the President.

Prayer by the Chaplain.

Councilor W. S. Snow presented petition of David P. Rainey and 22 others, citizens of Pond Town, praying for one sixth of the waters of Spanish Fork and also to be incorporated as an election precinct.

On motion of Councilor Smith, the petition was received and referred to the committee on Incorporations.

Councilor W. S. Snow presented petition of David P. Rainey and 22 others praying for the exclusive right to Maple Canyon in Utah county.

On motion of Councilor Woodruff, the petition was referred to the committee on Incorporations.

Councilor [redacted] Snow, chairman of the committee on Counties, reported back (C. F. No. 2) "An Act in relation to Carson, St. Mary and Humboldt counties with some amendments.

On motion Councilor L. Farr, the Bill was laid on the table to come up in its order.

(C. F. No. 2) "An Act in relation to Carson, St. Mary and Humboldt counties" was taken up on its second reading.

On motion of Councilor L. Farr, section 4, repealing all laws and parts of laws conflicting with this act, was added.

On motion of Councilor Smith, the words in the second section, "by the Governor and Legislative Assembly" were stricken out.

On motion of Councilor Carrington, the words "with all its powers, offices and privileges" were stricken out of the first section.

On motion of Councilor Farr, the words "until otherwise provided by law" were stricken out.

On motion of Councilor Woodruff, the bill passed its second reading.

The bill was read the third time and, on motion of Councilor H. C. Kimball, the bill passed its third reading, [redacted] was ordered to be sent to the House for their concurrence.

Councilor L. Snow, of the committee on Petitions and Memorials, presented a Memorial to Congress "for the establishment of a land office and the extension of pre-emption rights."

On motion of Councilor Smith, the memorial was referred back to the committee with instruction to draft two memorials, one for the establishment of a land office and the other for the extension of pre-emption rights.

(C. F. No. 1) "An Act apportioning the representation of Utah Territory" was taken up on its second reading.

On motion of Councilor Kimball, sec. 1 was so amended as to read, "two for the county of San Pete and two for Utah and Cedar counties."

On motion of Councilor Carrington, sec. 1 was so amended as to read "nine for Great Salt Lake and Summit counties."

On motion of Councilor Carrington, sec. 2 was so amended as to read "Great Salt Lake, Summit, Tooele, Desert and Shambip counties."

On motion of Councilor Carrington, the words "Green river" were stricken out of sec 2.

On motion of Councilor Richards, sec. 3 was so amended as to read "to be represented."

On motion of Councilor Carrington, sec. 3 was so amended as to read, "is eligible to the office," also "is a free white male citizen."

On motion of Councilor Woodruff, the bill passed its second reading.

Was read the third time and, on motion of Councilor Smith, passed its third reading and was ordered to be sent to the House for their concurrence.

On motion of Councilor Smith, the committee on Counties were requested to report a bill re-organizing Green River county.

Councilor Harrington, chairman of the committee on Revenue, reported (C. F. No. 5) "An Act repealing an act entitled 'An Act repealing the Territorial tax.'"

On motion of Councilor Richards, the bill was laid on the table to come up in its order.

Councilor Johnson, of the committee on Memorials, reported a Memorial to Congress.

On motion of Councilor Harrington, the memorial was received and laid on the table to come up in order.

The minutes were read and accepted.

On motion of Councilor Farr, the Council adjourned until tomorrow at 11 a.m.

## REPRESENTATIVES' HALL.

GREAT SALT LAKE CITY, UTAH TERRITORY, MONDAY,  
December 13, 1858. }

The eighth annual session of the Legislative Assembly of the Territory of Utah, convened in the Social Hall, in Great Salt Lake City, pursuant to a resolution approved Jan. 14, 1857.

The House of Representatives was called to order at 10 a.m. by the Hon. Mr. Stout.

A quorum present, the following members answering to their name :—



Great Salt Lake County—John Taylor, Orson Hyde, Daniel Spencer, Albert P. Rockwood, Hosea Stout, James W. Cummings, Joseph A. Young, Hiram B. Clawson, Edwin D. Woolley, Alexander McRae, Samuel W. Richards and William H. Hooper.

Davis County—Charles C. Rich and Samuel Henderson.

Weber County—Chauncey W. West.

Malad and Box Elder Counties—Jonathan C. Wright.

Tooele and Shambip Counties—John Rowberry.

On motion of Mr. Rockwood,

The Hon. John Taylor was appointed Speaker pro tem.

On motion of Mr. Stout,

Mr. Thomas Bullock was appointed Clerk pro tem.

Mr. Rockwood moved "that the Speaker pro tem. appoint a committee of three to examine the credentials or other evidence of the members elect; and that there be a recess of ten minutes, or until the committee are ready to report." Seconded and carried.

Whereupon the Speaker appointed Messrs. A. P. Rockwood, Hosea Stout and Joseph A. Young said committee, who immediately proceeded to their duty and, after examination of those members elect who were present, reported they were satisfied with the evidence produced, and that the members were entitled to their seats.

Mr. Stout moved that those members be now qualified. Seconded and carried.

The Hon. Elias Smith, Judge of Probate for Great Salt Lake County, by request of the Speaker, administered the necessary oath to the members, whose names were recorded above, by counties.

Mr. Stout, moved that we now elect our officers.

The following officers were then severally elected by the unanimous vote of the House.

JOHN TAYLOR, Speaker.

THOMAS BULLOCK, Chief Clerk.

PATRICK LYNCH, Assistant Clerk.

GEORGE P. BILLINGS, Sergeant-at-Arms.

HEBER JOHN RICHARDS, Messenger.

JOSEPH BUSBY, Foreman.

Hon. Jesse C. Little, a member for Great Salt Lake County, arrived, presented his credentials and took the necessary oath.

Hon. Judge Smith then administered the usual oath to the Speaker, the two Clerks, the Messenger and Foreman.

Mr. Hyde engaged in prayer.

A notice was received from the Council that it was organized and ready to proceed to business.

Whereupon the Council was notified that the House was also organized and ready for business.

On motion of Mr. Hyde, Rev. Joseph Young was elected Chaplain, and the Speaker sent notice informing him of his election.

A message was received from the Council with the following resolution adjourning to Fillmore:—

"Be it resolved by the Governor and Legislative Assembly of the Territory of Utah, that this Legislative Assembly do now (December 13, 1858) adjourn to meet in the State House, in Fillmore City, on Saturday, the 18th inst., at 10 a. m.," and respectfully request the concurrence of the House.

On motion of Mr. Cummings, the resolution of the Council was concurred in and the Council was notified accordingly.

The minutes being called for, were read and,

On motion of Mr. Spencer, were accepted.

On motion of Mr. Rockwood, the House adjourned to meet in the Representatives' Hall, Fillmore City, on Saturday, the 18th December at 10 a.m.

Benediction by Mr. Samuel W. Richards.

FILLMORE CITY, Saturday, Dec. 18, 1858,  
10 a.m.

House met pursuant to adjournment.

Roll called. Quorum present.

J. C. Snow, P. Thomas and George Peacock, the committee to examine the credentials of the members elect who had arrived this morning, reported that they were satisfied with the evidence produced and that the members were entitled to their seats.

On motion of Mr. Cummings, the Speaker appointed Messrs. Cummings, Thomas and Richards a committee to wait on the Secretary of State for the Territory of Utah and inform him that the members elect were ready to be qualified.

The members were accordingly qualified by Secretary Hartnett.

On motion of Mr. Rockwood, the House was permanently organized by electing

JOHN TAYLOR, Speaker.

THOMAS BULLOCK, Chief Clerk.

P. LYNCH, Assistant Clerk.

GEO. P. BILLINGS, Sergeant-at-Arms.

H. J. RICHARDS, Messenger.

JOSEPH BUSBY, Foreman.

The officers present were accordingly qualified by Secretary Hartnett.

The Hon. John Taylor, Speaker, being absent,

Mr. Rockwood moved that the Hon. Aaron Johnson be elected Speaker pro tem.

On motion of Mr. Cummings, leave of absence was granted to the following members until Friday, the 24th Dec., viz., Alexander McRae, Hosea Stout, Jesse C. Little, Edwin D. Woolley, John Taylor, Orson Hyde and Jonathan C. Wright.

On motion of Mr. Thomas, Messrs. Rich and West were appointed a committee to wait on the Council and inform them that the House was now organized and ready to proceed to business, which duty the said committee attended to and reported accordingly.

A committee from the Council informed the House that the Council was organized and ready for business.

On motion of Mr. Cummings, a messenger was sent to inform the Council that they were requested to meet with the House in joint session at their earliest convenience.

The Assembly went into joint session.

[See joint session minutes.]

On joint session dissolving, the Speaker took the chair and called the House to order.

The following communication was received from the Council:—

"The accompanying resolution has passed the Council and is respectfully submitted for your concurrence.

Be it resolved by the Governor and Legislative Assembly of the Territory of Utah, that the Legislative Assembly adjourn to meet in the Social Hall in Great Salt Lake City, on Monday, the 27th day of December inst. at 10 a.m.

On motion of Mr. Clawson, the House concurred.

On motion of Mr. Rockwood, the House adjourned until Monday, the 27th inst., to meet at 10 a.m., in the lower room of the Social Hall, Great Salt Lake City, and the Governor and Secretary were notified accordingly.

Benediction by Mr. Snow.

---

## JOINT SESSION.

STATE HOUSE, FILLMORE CITY, Dec. 18, 1858.

The two Houses met in joint session according to previous arrangement.

Mr. Cummings moved that a committee be appointed to wait upon Secretary Hartnett and inform him that the Assembly were in joint session and would receive any message he had to communicate.

The President appointed Hons. D. Spencer and F. D. Richards said committee.

Secretary Hartnett presented the annual message of His Excellency, together with the reports of the Territorial Treasurer and Auditor of Public Accounts, which were read by the Assistant Secretary of the Council.

On motion of Councilor Richards, the joint session dissolved.



# REPRESENTATIVES' HALL.

G.S.L. CITY, FRIDAY, Dec. 31, 1858. }  
10 a.m. }

House met pursuant to adjournment.

Called to order by the Speaker.

Roll called. Quorum present.

Prayer by the Chaplain.

Mr. Clawson moved that the minutes of yesterday, with regard to electing an Assistant Messenger, be made to read, "without interfering with the pay or duties of any other officer," instead of, "without in anywise conflicting with former customs." Seconded and carried.

Mr. Haight, chairman of Committee on Incorporations, presented the following report:—

"Your committee to whom was referred the petition of Benjamin L. Clapp and others, beg leave to report unfavorably to granting said petition."

On motion of Mr. Cummings the report was accepted.

Mr. Young, chairman of Committee on Counties, presented the following report:—

"Your committee to whom was referred the petition of Robert D. Covington and 117 others, praying for the removal of the County Seat of Washington county, respectfully report, that from the evidence before them, they believe it to be the universal wish of the citizens of Washington county, that the County Seat be changed, and we recommend the passage of the accompanying Act:—

(H. F. No. 3.) "An Act changing the County Seat of Washington county."

Report read and accepted, and, on motion of Mr. Stout, the bill laid on the table to come up in its order.

Mr. Richards moved that the Auditor of Public Accounts be requested to furnish the House with a statement of the condition of the Revenue of the Territory, the amount of appropriations yet unexpended, and for what purposes.

The Auditor furnished the report, which was read by the Chief Clerk.

Mr. Hyde moved that the Auditor's report together with the statements of the Warden of the Penitentiary and all necessary documents and accounts be referred to the Committee on Revenue, with instructions to furnish this House with correct information upon the subject. Seconded and carried.

The following message was received from Secretary Hartnett:—

SECRETARY'S OFFICE, Utah, Great Salt Lake City, }  
Dec. 30, 1858. }

**TO THE HON. SPEAKER OF THE HOUSE OF REPRESENTATIVES:—**

SIR—Herewith I hand you a copy of what purports to be the returns of an election held in Carson county on the 30th day of October, A.D. 1858. In consequence of informality, I have declined giving Mr. Clemons a certificate of membership in your honorable body.

I herewith furnish you copies of all the documents in my possession, relating to this subject, and will cheerfully furnish you any further information in my power.

I remain, very respectfully, your obedient servant,

JOHN HARTNETT,  
Secretary Utah Territory.

Mr. Clawson moved that the communication of the Secretary, with the accompanying papers, be referred to a special committee for their investigation. Seconded and carried.

The Speaker appointed Hons. H. B. Clawson, Daniel Spencer and E. D. Woolley, said special committee.

The accompanying notice was received from the Council:—

The following motion has passed the Council, that one hundred copies of the daily minutes of each house be printed (the House of Representatives concurring therein) for the use of the Members of this Legislative Assembly. We respectfully ask the concurrence of the House.

By your minutes of 31st inst., "one hundred copies of the list of Members and Officers of the Council and House of Representatives for the use of *this House*, and also the list of Standing Committees of each House" were ordered to be printed. Is it intended by this motion to supply the Council, or shall we have to get others printed for the use of the Council? The list of Standing Committees is all we have been furnished with.

DANIEL H. WELLS,  
President of Council.

LEO HAWKINS, Secretary.

On motion of Mr. Little, the House concurred.

Mr. Stout moved that S. W. Richards be added to the Committee on Judiciary. Seconded and carried.

Mr. Osborn moved that a Committee on Library be appointed.

The Speaker appointed Messrs. Little, Rockwood and Cummings said committee.

Mr. Spencer moved that leave of absence be granted Hon. Wm. J. Osborn until Tuesday, January 4th, 1857. Seconded and carried.

Minutes called for and read and, on motion of Mr. Spencer, accepted.

On motion of Mr. Cummings the House adjourned until Monday the 3d day of January, 1859, at 10 a.m.

Benediction by the Chaplain.

# REPRESENTATIVES' HALL.

G.S.L. CITY, MONDAY, JAN. 3, 1859, }  
10 a.m. }

House met pursuant to adjournment.

Called to order by the Speaker.

Roll called. Quorum present.

Prayer by the Chaplain.

Mr. Johnson, chairman of committee on Roads, Bridges and Ferries, reported the following:—

"Your committee to whom was referred the petition of Joseph Young, praying for a renewal of the charter for the right of ferry on Bear river, north, and bridge across the Malad, report favorable to said petition and recommend the passage of the accompanying bill:—

(H. F. No. 4) "An Act granting unto Joseph Young the right to establish and control ferries on Bear river, also a bridge on the the Malad."

Mr. Young moved that the report be received and the bill be laid on the table to come up in its order. Seconded and carried.

Mr. Rockwood moved that the committee on Education be instructed to take into consideration the subject of creating a revenue for the University, and to bring in a bill providing for carrying out the provisions of an Act of Congress entitled "An Act to establish the office of Surveyor General of Utah and to grant land for school and University purposes. Approved February 21, 1858." Seconded and carried.

Referred to committee on Education.

Mr. Rockwood moved that the committee on Counties be instructed to take into consideration and bring in a bill (if deemed expedient) for the incorporation of towns, with such provision as may be necessary to secure the pre-emption right extended in an Act of Congress entitled an Act for the relief of the citizens of towns, upon the lands of the United States, under certain circumstances, approved May 23, 1844. Seconded and carried.

Referred to committee on Counties.

The oldest bill being called for, (H. F. No. 3) "An Act changing the County Seat of Washington county" was read and, on motion of Mr. Stout, passed its first reading, and was laid on the table to come up in its order.

(H. F. No. 4) "An Act granting unto Joseph Young the right to establish and control ferries on Bear river, also a bridge on the Malad" was next read and, on motion of Mr. Richards, passed its first reading.



The Speaker called upon the several committees to whom business had been referred to report progress, when a conversation took place thereon and, on motion of Mr. Rockwood, the Governor's Message was read.

The minutes being called for were read and, on motion of Mr. Snow, accepted.

Mr. Rich moved that the House adjourn until to-morrow, Jan. 4, 1859. Seconded and carried.

Benediction by the Chaplain.

## COUNCIL.

COUNCIL CHAMBER, TUESDAY, Jan. 4, 1859,  
11 A. M. }

Council met pursuant to adjournment.

Called to order by the President.

Roll called. Quorum present.

Prayer by Councilor Richards.

Councilor Smith, chairman of the committee on Memorials, to whom was referred, "Memorial for the establishment of a land office and the extension of pre-emption rights" reported: "Memorial to Congress to establish a land office in the Territory of Utah," which was read and,

On motion of Councilor Farr, the memorial was laid on the table indefinitely.

Councilor Smith also reported, "Memorial to Congress asking the laws of pre-emption to be extended over Utah," which was read and,

On motion of Councilor Kimball, was referred back to the committee for further consideration.

(C. F. No. 3) "An Act defining the three Judicial Districts for the District Courts in the Territory of Utah" was taken up on its second reading.

On motion of Councilor Smith, the bill was made the special order of the day for to-morrow.

Councilor L. Snow, chairman of the committee on Counties, reported (C. F. No. 7) "An Act attaching Shambip county to Tooele," which was read and,

On motion of Councilor Woodruff, the bill was laid on the table to come up in its order.

Councilor Smith, of the committee on Judiciary, reported back (C. F. No. 4) "An Act concerning costs and fees of Territorial Courts," which was read.

On motion of Councilor Smith, the bill was referred to the committee on Engrossing, preparatory to its being printed, with instructions to make such amendments as they deem necessary.

(C. F. No. 5) "An Act to repeal an Act entitled "An Act repealing the Territorial Tax" was taken up on its first reading.

On motion of Councilor Carrington, the bill was referred to the committee on Judiciary.

The "Memorial in relation to extension of City Plots" was taken up and read first time.

On motion of Councilor Woodruff, the memorial was referred back to the committee on Memorials.

Councilor Richards moved that the committee on Revenue be instructed to inquire into the propriety of assessing a territorial tax upon spirituous liquors sold in the Territory and, if found expedient, that they report a bill to that effect.

Seconded and carried.

Minutes being called for, were read and accepted.

On motion of Councilor Farr,

Council adjourned till to-morrow at 11 a.m.

---

## REPRESENTATIVES' HALL.

---

G.S.L. CITY, TUESDAY, Jan. 4, 1859.)

10 a.m.

House met pursuant to adjournment.

Called to order by the Chief Clerk.

Roll called. Quorum present.

Mr. Rockwood moved that Mr. Woolley be elected Speaker pro tem. Seconded and carried.

Prayer by the Chaplain.

Mr. Rich, chairman of committee on Elections, reported as follows:—

"Your committee on Elections respectfully report the following Territorial and County offices vacant, or which will expire at the close of the present year, and which are also required by law to be filled by the joint vote of the Legislative Assembly at this session, to-wit:—

One Chancellor and twelve Regents of the Deseret University.

One Treasurer of the Deseret University.

One Territorial Treasurer.

One Auditor of Public Accounts.

One Territorial Commissioner.

One Territorial Marshal.

One Attorney General.

Three District Attorneys.

One Surveyor General.

One Librarian.

One Recorder of Marks and Brands.

Three Inspectors of the Penitentiary.

One Warden of the Penitentiary.

One Sealer of Weights and Measures.

Three Code Commissioners.

One Probate Judge, and one Notary Public for each organized County, to-wit:—

One Probate Judge and one Notary Public for Washington county.

One Probate Judge and one Notary Public for Iron county.

do	do	Beaver	”
do	do	Millard	”
do	do	San Pete	”
do	do	Juab	”
do	do	Cedar	”
do	do	Utah	”
do	do	G. S. Lake	”
do	do	Davis	”
do	do	Weber	”
do	do	Box Elder	”
do	do	Cache	”
do	do	Tooele	”
do	do	Shambip	”
do	do	Malad	”

All of which is respectfully submitted.”

Mr. Rockwood moved that the report be received and laid on the table. Seconded and carried.

Mr. Rockwood presented the following report:—

“TO THE HON. THE HOUSE OF REPRESENTATIVES

OF THE TERRITORY OF UTAH—

GENTLEMEN:—In accordance with your instructions of the 30th ult., I beg leave to present a report of the condition of the Public Library of the Territory of Utah.

There are in the Library at this date, generally in good condition, three thousand three hundred and eighty-five vols. 3385

Of books loaned to and in the hands of the officers of the Territory, one hundred and fifty vols. 150

In the hands of the Bookbinder, to be rebound, twenty vols. 20

Showing a total of books belonging to the Public Library, now on hand, three thousand five hundred and fifty-five volumes. 3555

There has been worn out and missing seventy-two volumes, in addition to the above.

There are quite a number of the books in the Library, in addition to those already in the hands of the Bookbinder, which require to be rebound, in order to secure their preservation. I would respect-



fully ask that an appropriation of one hundred and fifty dollars be made to cover this and other items of contingent expenses of the Library.

Very respectfully, your obedient servant,  
WILLIAM C. STAINES, Librarian.

G. S. L. CITY, Jan. 4, 1859."

On motion of Mr. Stout, the report was received and referred to committee on Library.

The Speaker arrived and took his seat.

Mr. Hyde, chairman of committee on Education, reported as follows:—

"The committee on Education, to whom was referred the subject of bringing in a bill providing for carrying into effect the provisions of the 3d section of an Act of Congress entitled "An Act to establish the office of Surveyor General of Utah and to grant lands for School and University purposes," beg leave to report the accompanying act, and respectfully recommend its passage: (H. F. No. 5) "An Act to provide for the selection and location of two Townships of Land for the establishment of a University."

On motion of Mr. Snow, the report was received and laid on the table to come up in its order.

Mr. Stout moved that fifty copies be printed for the use of both Houses. Seconded and carried.

Mr. Clawson, chairman of special committee, presented the following report:—

"Your committee, to whom was referred the communication of the Hon. Secretary, Mr. Hartnett, concerning the rights of Mr. Clemons, from Carson co., to a seat in this House, having investigated his claims thereto, beg leave to make the following report:—

1st. The full number of members allowed by the 'Organic Act' received their certificates of election from the Hon. Secretary, Mr. Hartnett, and were sworn in as members of this Assembly, before Mr. Clemons' application was presented.

2d. The election of Mr. Clemons was deemed informal by the Hon. Secretary, who accordingly declined giving him a certificate.

Therefore your committee consider that Mr. Clemons cannot be recognized as a member of this House, and beg leave to be excused from the further consideration of the subject."

Mr. West moved that the report be received and the committee discharged from further duties. Seconded and carried.

The oldest bill being called for, (H. F. No. 3) "An Act changing the County Seat of Washington County," was read the second time and,

On motion of Mr. Haight, passed its second reading.

On motion of Mr. Hyde, the bill passed its third reading by its title.

Mr. Cummings moved that the bill be sent to the Engrossing Committee. Seconded and carried.

(H. F. No. 4) "An Act granting unto Joseph Young the right to establish and control ferries on Bear river, also a bridge on the Malad" was read a second time by sections. The first section was read and,

On motion of Mr. Stout, passed.

The second section was read and,

On motion of Mr. West, passed.

The third section was read and,

On motion of Mr. Wright, was amended by striking out the words "during the ferrying season."

On motion of Mr. Wright, the section passed as amended.

The fourth section was read and,

On motion of Mr. Rockwood, stricken out of the bill.

The fifth section was read and,

On motion of Mr. Stout, amended by striking out the words, "for the faithful paying over the ten per cent. herein required."

Mr. Stout moved that the section be further amended by inserting the word "for the faithfully carrying into effect the provisions of this act." Seconded and carried.

On motion of Mr. Little, the bill was referred back to the Committee, for amendments.

The following notice was received from the Council:—

"The accompanying bills, (C. F. No. 1) "An Act apportioning the Representation of Utah Territory" and (C. F. No. 2) "An Act in relation to Carson, St. Mary and Humboldt Counties" have passed the Council and are respectfully submitted for your concurrence."

(C. F. No. 1) was read the first time and,

On motion of Mr. Cummings, passed its first reading.

(C. F. No. 2) was read the first time and,

On motion of Mr. Little, passed its first reading.

The minutes of the day were read and,

On motion of Mr. Woolley, accepted.

On motion of Mr. Little, the House adjourned until Wednesday, January 5, 1859, 10 a.m.

Benediction by the Chaplain.

## COUNCIL.

COUNCIL CHAMBER, WEDNESDAY, Jan. 5, 1859, }  
11 A. M. }

Council met pursuant to adjournment.

Called to order by the President.

Roll called. Quorum present.

Prayer by the Chaplain.

The following message was received from the House:—

"The accompanying bill (H. F. No. 3) entitled 'an act changing the county seat of Washington county' has passed the House, and is respectfully submitted for your concurrence."

On motion of Councilor Smith, the bill was referred to the committee on Counties.

Councilor Richards moved, that a communication be addressed to his Excellency Governor Cumming, requesting him to furnish the Council with the Adjutant General's Report on the condition of the Militia of the Territory, and any communication which he might feel disposed to make thereon. Seconded and carried.

Councilor Smith, of the committee on Judiciary, to whom was referred (C. F. No. 5) "An Act to repeal an act entitled 'an act repealing the Territorial tax'" reported as a substitute, (C. F. No. 8) "An Act in relation to Territorial revenue."

On motion of Councilor Woodruff, the bill was received and laid on the table to come up in its order.

Councilor Smith, chairman of the committee on Memorials, reported "Memorial to Congress for the donation of public lands to settlers."

On motion of W. S. Snow, the Memorial was adopted, and ordered to be sent to the House for their concurrence.

Councilor Farr, of the Committee on Incorporations to whom was referred the petitions of David P. Rainey and others, asking for the privilege of taking a portion of the waters of Spanish Fork, also to be set off into a precinct, and the privilege of opening Maple Canyon; reported unfavorably to granting said petition.

On motion of Councilor Woodruff, the report was received and the committee discharged from further duties on the subject.

Councilor Harrington, of the committee on Judiciary, reported (C. F. No. 9) "An Act in relation to the qualification of Officers, Voters and Jurors."

On motion of Councilor W. S. Snow, the report was accepted, and the bill laid on the table to come up in its order.

(C. F. No. 3) "An Act defining the three Judicial Districts for the District Courts in the Territory of Utah" was taken up on its second reading.

On motion of Councilor Harrington, the bill passed its second reading.

(C. F. No. 7) "An Act attaching Shambip county to Tooele county was read, and,

On motion of Councilor Woodruff, passed its first reading.

The bill was read the second time, and on motion of Councilor Harrington, passed its second reading.

On motion of Councilor Richards, the bill passed its third reading, and was ordered to be sent to the House for their concurrence.

(C. F. No. 8) "An Act in relation to Territorial Revenue" was taken up on its first reading, and,



On motion of Councilor Harrington, passed its first reading.  
The bill was read the second time.

On motion of Councilor Kimball, the words "one tenth of one per cent" were stricken out and "one fourth of one per cent" inserted.

On motion of Councilor Harrington, the bill passed its second reading.

On motion of Councilor W.S. Snow, the bill passed its third reading, and was ordered to be sent to the House for their concurrence.  
(C. F. No. 9) "An Act in relation to the qualification of Officers, Voters and Jurors" was taken up and read.

On motion of Councilor Harrington, the bill passed its first reading.

The bill was taken up on its second reading, and,

On motion of Councilor Smith, was ordered to be printed.

The minutes were read and accepted.

On motion of Councilor Smith,

Council adjourned till to-morrow at 11 a.m.

Benediction by the Chaplain.

---

## REPRESENTATIVES' HALL.

---

G.S.L. CITY, WEDNESDAY, Jan. 5, 1859, }  
10 a.m. }

House met pursuant to adjournment.

Called to order by the Chief Clerk.

Roll called. Quorum present.

On motion of Mr. Bigler, Mr. Spencer was voted Speaker pro tem.

Prayer by the Chaplain.

The Speaker arrived and took the chair.

Mr. Richards, chairman of committee on Engrossing, reported back (H. F. No. 3) duly engrossed.

The Speaker called the attention of the House to the Governor's Message, and referred the various subjects therein to the appropriate committees, as follows:—

Paragraph 4, page 2, to the committee on Petitions and Memorials.

Paragraphs 5 and 6, page 3, to the committee on Petitions and Memorials.

Paragraph 1, page 4, to the committee on Agriculture and Manufactures.

Paragraph 3, page 4, to the committee on Petitions and Memorials.

Paragraph 1, page 5, to the committee on Education.

Paragraph 2, page 5, to the committee on Roads, Bridges and

**Ferries.**

Paragraph 3, page 6, to the committee on Counties.

Paragraph 4, page 5, to the committee on Judiciary.

Paragraph 5, page 5, to the committee on Elections.

Paragraph 6, page 5, to the committee on Judiciary.

Mr. Clawson moved that the freedom of the House be extended to Mr. Clemons from Carson county. Seconded and carried.

Mr. Johnson, chairman of committee on Roads, Bridges and Ferries, reported back (H. F. No. 4) "An Act granting unto Joseph Young the right to establish and control ferries on Bear river, also a bridge on the Malad" amended.

On motion of Mr. Wright, the report was received.

The bill was taken up at the fourth section and read and,

On motion of Mr. Cummings, passed.

The fifth section was read and,

On motion of Mr. Stout, passed.

The sixth section was read and,

On motion of Mr. Cummings, passed.

On motion of Mr. Haight, passed its second reading.

Mr. Cummings moved that the bill be sent to the Engrossing committee. Seconded and carried.

The minutes of the day were read and,

On motion of Mr. Clawson, accepted.

On motion of Mr. Stout, the House adjourned until 2 p.m.

2 p.m.

House met pursuant to adjournment.

Called to order by the Speaker.

Roll called. Quorum present.

Prayer by the Chaplain.

The following communication was received from the Council and read:—

The accompany bills: (C. F. No. 7) "An Act attaching Shambip county to Tooele county," and (C. F. No. 8) "An Act in relation to Territorial Revenue," also, "Memorial to Congress for the donation of public lands to settlers" have passed the Council and are respectfully submitted for your concurrence.

(C. F. No. 7) "An Act attaching Shambip county to Tooele county" was read the first time and,

On motion of Mr. Stout, laid on the table to come up in its order.

(C. F. No. 8) "An Act in relation to Territorial Revenue" was read the first time and,

On motion of Mr. Rockwood, laid on the table to come up in its order.

"Memorial to Congress for the donation of public lands to settlers" was read and,

On motion of Mr. Rockwood, was received and adopted.

Mr. Rockwood called for the first reading of (C. F. No. 7) which

was read and,

On motion of Mr. Haight, passed.

Mr. Spencer called for the second reading of the bill, which was read and,

On motion of Mr. Rockwood, the bill was referred to the committee on Counties.

On motion, the Speaker added Messrs. Woolley and Rockwood to the committee on Counties.

(C. F. No. 8) was read the first time and,

On motion of Mr. West, passed.

The bill was read a second time by sections.

The first section was read and,

On motion of Mr. Rockwood, passed.

The second section was read and,

On motion of Mr. Hyde, passed.

The bill was read a third time and,

On motion of Mr. Rich, passed.

On motion of Mr. West, the bill passed its third reading by its title.

Mr. Rockwood called for (H. F. No. 5) "An Act to provide for the selection and location of two townships of land for the establishment of a University," which was read the first time and,

On motion of Mr. Richards, passed its first reading.

The bill was read a second time by sections.

The first section was read and,

On motion of Mr. Rockwood, was amended by inserting the words "a quantity of land equal to two townships" and by striking out the words "of land."

On motion of Mr. West, the section passed as amended.

The second section was read and,

On motion of Mr. West, was amended by striking out the words "as said Commissioners" from the 1st and 2d lines.

On motion of Mr. Stout, the section passed as amended.

The third section was read and,

On motion of Mr. West, passed.

The fourth section was read and,

On motion of Mr. Hyde, was amended by inserting the words "for their services" after the word "compensation."

On motion of Mr. Richards, the section passed as amended.

The fifth section was read and,

On motion of Mr. Rockwood, passed.

The sixth section was read and,

On motion of Mr. West, passed.

The seventh section was read and,

On motion of Mr. Rockwood, passed.

On motion of Mr. Haight, the bill passed its second reading.

Mr. Stout called for a third reading of the bill, which was read



and,

On motion of Mr. Thomas, the bill was referred to the Engrossing committee for engrossing.

The bill was read by its title and,

On motion of Mr. Stout, was amended by inserting the words "a quantity of land, equal to" and by striking out the words "of land."

On motion of Mr. West, the bill passed by its title as amended.

The minutes of the day were read and,

On motion of Mr. Rowberry, accepted.

On motion of Mr. Woolley, the House adjourned until 10 a.m. January 6, 1859.

Benediction by Mr. Hyde.

## COUNCIL.

COUNCIL CHAMBER, THURSDAY, JAN. 6, 1859,  
11 A. M.

Council met pursuant to adjournment.

Called to order by the President.

Roll called. Quorum present.

Prayer by the Chaplain.

The following message was received from the House:—

"The accompanying bill: (C. F. No. 8) 'An Act in relation to Territorial Revenue' has this day received the concurrence of the House, also 'Memorial to Congress for the donation of public lands to settlers' has been adopted."

Councilor W. S. Snow, chairman of the committee on Elections, made the following report:—

"The following Territorial and County offices, which by law expire at this session of the Legislature, are required by law to be filled by the joint vote of the Legislative Assembly, to-wit:—

One Chancellor and twelve Regents of the Deseret University.

One Treasurer of the Deseret University.

One Territorial Treasurer.

One Auditor of Public Accounts.

One Territorial Road Commissioner.

One Territorial Marshal.

\* One Attorney General.

Two District Attorneys.

One Surveyor General.

One Librarian.

One Recorder of Marks and Brands.

Three Inspectors of the Penitentiary.

One Warden of the Penitentiary.

One Sealer of Weights and Measures.

Three Code Commissioners.

One Probate Judge and one Notary Public for each organized county, to-wit:

One Probate Judge and one Notary Public for Washington county.

One Probate Judge and one Notary Public for Iron county.

do	do	Beaver	"
do	do	Millard	"
do	do	San Pete	"
do	do	Juab	"
do	do	Cedar	"
do	do	Utah	"
do	do	G. S. Lake	"
do	do	Davis	"
do	do	Weber	"
do	do	Box Elder	"
do	do	Cache	"
do	do	Tooele	"
do	do	Malad county.	"

On motion of Councilor Smith, the report was accepted and laid on the table to come up in its order.

Councilor Smith, chairman of the committee on Memorials, to whom was referred, "Memorial to Congress asking the laws of pre-emption to be extended over Utah," presented as a substitute, "Memorial for the pre-emption of irrigated lands."

On motion of Councilor Johnson, the memorial was accepted and laid on the table to come up in its order.

Councilor L. Snow, chairman of the committee on Counties, to whom was referred (H. F. No. 3) "An Act changing the County Seat of Washington county," reported back said bill recommending the concurrence of the Council therein.

On motion of Councilor Smith, the report was accepted.

On motion of Councilor Carrington, the words "be and the same" in the first section were stricken out.

On motion of Councilor Carrington, section 2 was stricken out.

On motion of Councilor Carrington, the bill passed as amended, and was ordered to be sent to the House for their concurrence in the amendment.

(C. F. No. 9) "An Act in relation to the qualification of officers, voters and jurors" was taken up on its second reading.

On motion of Councilor Carrington, the title of the bill was so amended as to read "An Act prescribing certain qualifications necessary to enable a person to be eligible to hold office, vote or serve as a juror."

On motion of Councilor Carrington, section one was amended by inserting the words "during the" instead of the words "at least," also "next preceding" instead of "before."

On motion of Councilor Carrington, the word "of" in the second line of sec. 2 was stricken out, and the word "in" inserted, also the word "the" was stricken out and "this" inserted, also the words "shall have been" were stricken out.

On motion of Councilor Farr, the word "have" in the fifth line of sec. 3 was stricken out and "has" inserted.

On motion of Councilor Carrington, the word "be" in the fourth line was stricken out and "is" inserted, also the word "be" after the word "States" was stricken out.

On motion of Councilor Carrington, sec. 5 was stricken out and the following inserted as a substitute:—

"Sec. 5. No person shall be deemed a resident within the meaning of this Act, unless he is a householder and tax payer in this Territory and, if married, has his family and domicile therein."

On motion of Councilor L. Snow, sections 5 and 6 were transposed.

On motion of Council Carrington, the following:—

"All laws and parts of laws conflicting with this Act are hereby repealed" was added as sec. 7.

On motion of Councilor Carrington, the second line of the first section was amended so as to read "has not been" instead of "shall not have been."

On motion of Councilor Carrington, the word "constant" was stricken out of the second line of sec. 2.

On motion of Councilor Carrington, sec. 2 was amended so as to read, "has been a resident in the county or district, to be represented, during at least two years next preceding the day of election."

On motion of Councilor Smith, the bill passed its second reading.

The bill was read the third time and,

On motion of Councilor Smith, passed its third reading and was ordered to be sent to the House for their concurrence.

The following message was received from the House:—

"The accompanying bill: (C. F. No. 7) "An Act attaching Shambip county to Tooele county" is concurred in by the House with the following amendment:—



Sec. 2. That all books, papers, records, plates, etc., together with an accurate manifesto of all assets and liabilities appertaining to said county of Shambip, shall be transferred, together with the certificate and seal of the County Clerk, accompanying the same, to the Probate Judge of Tooele county; which shall thereafter be matters of record and business of Tooele county.' You are respectfully requested to concur in the amendment.

The following bills: (H. F. No. 4) "An Act granting unto Joseph Young the right to establish and control ferries on Bear river, also a bridge on the Malad." (H. F. No. 5) "An Act to provide for the selection and location of a quantity of land, equal to two townships, for the establishment of a University," have passed the House and are respectfully submitted for your concurrence. We have also concurred in your amendments to (H. F. No. 3)."

On motion of Councilor Smith, the amendments suggested by the House to C. F. No. 7 were concurred in.

On motion of Councilor Smith, (H. F. No. 4) "An Act granting unto Joseph Young the right to establish and control ferries on Bear river, also a bridge on the Malad," and (H. F. No. 5) "An Act to provide for the selection and location of a quantity of land, equal to two townships, for the establishment of a University," were laid on the table to come up in their order.

On motion of Councilor Smith, the bill (C. F. No. 9) was ordered to be printed as amended.

The minutes being called for were read and accepted.

On motion of Councilor Smith, Council adjourned until to-morrow at 11 a.m.

Benediction by the Chaplain.

---

## REPRESENTATIVES' HALL.

---

G.S.L. CITY, THURSDAY, Jan. 6, 1859, }  
10 a.m. }

House met pursuant to adjournment.

Called to order by the Speaker.

Roll called. Quorum present.

Prayer by Mr. Rockwood.

Mr. Young, chairman of committee on Counties, reported as follows:—

"Your committee to whom was referred a bill (C. F. No. 7) entitled "An Act attaching Shambip county to Tooele county, beg leave to report back said bill amended and recommend its passage."

On motion of Mr. Cummings, the report was received.

The bill was read the first time and,

On motion of Mr. Wright, passed its first reading.

The bill was read a second time by sections.

The first section was read and,

On motion of Mr. Snow, passed.

The second section was read and,

On motion of Mr. Richards, passed.

The third section was read and,

On motion of Mr. Wright, passed.

On motion of Mr. Rich, the bill passed its second reading.

The bill was read a third time and,

On motion of Mr. Richards, the bill passed its third reading and was sent to the Council for their concurrence to the amendment.

Mr. Richards, chairman of the committee on Engrossing, returned back (H. F. No. 4) "An Act granting unto Joseph Young the right to establish and control ferries on Bear river, also a bridge on the Malad," duly engrossed.

Mr. Cummings moved that the bill be taken up on its third reading. Seconded and carried.

The bill was read a third time and,

On motion of Mr. West, passed.

On motion of Mr. Cummings, the bill was sent to the Council for their concurrence.

Mr. Richards, chairman of the committee on Engrossing, reported back (H. F. No. 5) "An Act to provide for the selection and location of a quantity of land, equal to two townships, for the establishment of a University" duly engrossed.

The bill was read a third time and,

On motion of Mr. West, passed.

The bill was read by its title and,

On motion of Mr. Rockwood, passed and was sent to the Council for their concurrence.

On motion of Mr. Woolley, the freedom of the House was tendered to Hon. Erastus Snow.

The oldest bill being called for (C. F. No. 1) "An Act apportioning the representation of Utah Territory" was read and,

On motion of Mr. Clawson, referred to the committee on Judiciary.

(C. F. No. 2) "An Act in relation to Carson, St. Mary and Humboldt counties" was taken up on its second reading and,

On motion of Mr. Clawson, referred to the committee on Judiciary.

Mr. Thomas presented a petition from David Evans and others, citizens of Lehi city, praying for the privilege of holding a special election for city officers.

Mr. Rockwood moved that the petition be received and referred to the committee on Incorporations.

Mr. Stout, chairman of the committee on Judiciary, reported as follows:—

"Your committee to whom was referred the fourth paragraph on page five of the Governor's Message, beg leave to report the accompanying bill and respectfully recommend its passage."

On motion of Mr. Snow, the report was received and the bill ordered to be laid on the table to come up in its order.

Mr. Young, chairman of committee on Counties, reported as follows:—

"Your committee on Counties ask leave to introduce an act entitled 'An Act regulating the vending and bartering of spirituous liquors.' "

On motion of Mr. Cummings, the report was received and the bill ordered to be printed.

The following communication was read from the Council:—

"The Council have concurred in your bill (H. F. No. 3) "An Act changing the County Seat of Washington county" with the following amendments:—By striking out of the first section the words "be and the same" and by striking out the second section, in which your concurrence is respectfully solicited."

On motion of Mr. Stout, the House concurred in the amendment and notified the Council accordingly.

The minutes were read and accepted.

House adjourned until 10 a.m. to-morrow. Jan. 7, 1859.

## COUNCIL.

COUNCIL CHAMBER, FRIDAY, Jan. 7, 1859, }  
11 A. M.

Council met pursuant to adjournment.

Called to order by the President.

Roll called. Quorum present.

Prayer by the Chaplain.

Councilor Richards, of the committee on Memorials, reported, "Memorial to Congress for an act authorizing the purchase of Indian lands in Utah and locating the Indians on a reserve."

On motion of Councilor Woodruff, the report was accepted and laid on the table to come up in its order.

(C. F. No. 2) "An Act defining the three judicial districts for the District Courts in the Territory of Utah" was taken up and,

On motion of Councilor Smith, passed its third reading.

"Memorial to Congress for the pre-emption of irrigated lands" was taken up and,

On motion of Councilor W. S. Snow, passed its first reading.

The memorial was read the second time and,



3

On motion of Councilor Johnson, passed its second reading.  
On motion of Councilor Johnson, the memorial was adopted and ordered to be sent to the House for their concurrence.

Councilor Woodruff presented (C. F. No. 10) "An Act repealing the first section of 'An Act containing provisions applicable to the laws of the Territory of Utah, approved Jan. 14, 1854,'" which was read and,

On motion of Councilor Johnson, was accepted and referred to the committee on Judiciary.

(H. F. No. 4) "An Act granting unto Joseph Young the right to establish and control ferries on Bear river, also a bridge on the Malad" was taken up and,

On motion of Councilor L. Snow, the Council concurred with the House.

(H. F. No. 5) "An Act to provide for the selection and location of a quantity of land, equal to two townships, for the establishment of a University" was taken up.

On motion of Councilor Smith, the bill passed its first reading.

Said bill was taken up on its second reading and,

On motion of Councilor Smith, the bill was referred to the committee on Education.

The report of the committee on Elections was taken up and read.

On motion of Councilor Smith, the House were invited to meet the Council in joint session on Monday, Jan. 10, 1859, at 11½ a.m., to elect the officers required by law to be elected by the joint vote of the Legislative Assembly.

"Memorial to Congress for an act authorizing the purchase of Indian lands in Utah and locating the Indians on a reserve" was taken up and,

On motion of Councilor Woodruff, the memorial was adopted and ordered to be sent to the House for their concurrence.

The minutes were read and accepted.

On motion of Councilor Smith, the Council adjourned till to-morrow at 11 a.m.

Benediction by the Chaplain.

---

## REPRESENTATIVES' HALL.

---

G.S.L. CITY, FRIDAY, Jan. 7, 1859,)

10 a.m. )

House met pursuant to adjournment.

Called to order by the Speaker.

Roll called. Quorum present.

Prayer by the Chaplain.

Mr. Haight, chairman of the committee on Incorporations, reported as follows:—

"Your committee to whom was referred the petition of David Evans and others report favorably to granting said petition and recommend the passage of the accompanying act:"—

(H. F. No. 8) "An Act granting a special election in Lehi city, Utah county."

On motion of Mr. Richards, the report was received and the bill read the first time.

On motion of Mr. Stout, the bill was referred back to the committee on Incorporations.

Mr. Peacock, of the committee on Roads, Bridges and Ferries, reported the following bill:—

(H. F. No. 9) "An Act providing for the bridging of ditches or sects leading across the highways."

On motion of Mr. Rich, the report was received.

The bill was read the first time and,

On motion of Mr. Stout, was referred back to the committee for amendment.

Mr. West, chairman of the committee on Revenue, reported as follows:—

"Your committee to whom was referred the subject of the bridge across the Jordan river, near the city of Lehi in Utah county, respectfully submit the following report:—

"That from the information by them obtained from examination of the books and accounts of the Stockholders of that bridge to as presented, find the financial affairs as follows, to-wit:—

Original cost of said bridge	:	:	\$2118.25
One hundred per cent. added as per provisions of charter	:	:	2118.25
Repairs on bridge	:	:	17.00
Clerk's and Treasurer's fees	:	:	300.00
			<hr/>
Total expenditures	:	:	4553.50
Received as toll on said bridge	:	:	3480.65
			<hr/>

Leaving a balance due the Stockholders of 1072.85

All of which is very respectfully submitted by your committee."

On motion of Mr. Rockwood, the report was referred back to the committee.

On motion, the Speaker added Mr. Rockwood to the committee.

The oldest bill being called for, (H. F. No. 6) "An Act in relation to Code Commissioners" was read the first time and,

On motion of Mr. Wright, passed.

The bill was read a second time by sections.

The first section was read and

On motion of Mr. West, passed.

The second section was read and,

On motion of Mr. Wright, passed.

On motion of Mr. Rowberry, the bill passed its second reading.

On motion of Mr. Young, the bill was referred to the Engrossing committee.

The following communication was received from the Council:—

"The Council have concurred in your amendments to (C. F. No.

7) "An Act attaching Shambip county to Tooele county."

(H. F. No. 7) "An Act regulating the vending and bartering of spirituous liquors" was read the first time and,

On motion of Mr. Rowberry, passed.

The bill was read a second time by sections.

The first section was read and,

On motion of Mr. Richards, was amended by inserting the word "therefore" after the word "license" in the third line.

On motion of Mr. Woolley, the section passed as amended.

The second section was read and,

On motion of Mr. Stout, was amended by striking out the word "quarterly" from the second line.

On motion of Mr. Richards, the section was further amended by inserting the word "county" before the word "court" in the fourth line.

On motion of Mr. Stout, the section passed as amended.

The third section was read and,

On motion of Mr. Stout, amended by striking out the words "to keep a grocery" and by inserting the words "as aforesaid."

On motion of Mr. Richards, the section was further amended by adding the words "which place or house shall be designated in the license."

On motion of Mr. Stout, the section passed as amended.

The fourth section was read and,

On motion of Mr. Cummings, was stricken out.

The fifth section was read and,

On motion of Mr. Cummings, was amended by inserting the words "the provisions of" before the words "this act" in the second line.

On motion of Mr. West, the section passed as amended.

The sixth section was read and,

On motion of Mr. Stout, was amended by striking out all the words preceding the word "twenty" and by inserting the words "If any person shall barter, sell, or otherwise dispose of any spirituous, vinous, or malt liquors on the day of the week commonly called Sunday shall on conviction thereof be fined in any sum not exceeding" and by striking out the proviso.

On motion of Mr. Stout, the section passed as amended.

The seventh section was read and,



On motion of Mr. Stout, passed.

The eighth section was read and,

On motion of Mr. West, passed.

On motion of Mr. Young the bill was referred to the Engrossing committee.

The following communication was received from the Council:—

"You are respectfully requested to meet the Council in joint session on Monday next, January 10, 1859, at 11½ a.m. to proceed to the election of officers necessary to be elected by joint vote of the Legislative Assembly."

On motion of Mr. Little, the House concurred.

The following was received from the Council:—

"The Council have concurred in your bill (H. F. No. 4) "An Act granting unto Joseph Young the right to establish and control ferries on Bear river, also a bridge on the Malad."

The minutes were read and accepted.

Hon. Wm. J. Osborn, to whom leave of absence was granted until Tuesday 4th January not arriving until Thursday, informed the House that he could not get a conveyance to take him to the city any sooner, which explanation was received by the House.

House adjourned until 10 a.m. January 8th, 1859.

Benediction by the Chaplain.

## COUNCIL.

COUNCIL CHAMBER, SATURDAY, Jan. 8, 1859, }  
11 A. M.

Council met pursuant to adjournment.

Called to order by the President.

Roll called. Quorum present.

Prayer by the Chaplain.

The following message was received from the House:—

"The House have concurred in your wish for a joint session on Monday next, January 10th, 1859, at 11½ a.m., in order to proceed to the election of officers necessary to be elected by joint vote of the Legislative Assembly."

Councilor Farr, chairman of committee on Incorporations, to whom was referred the petition of James J. Steel and others, praying for the repeal or amending an act granting unto Wilford Woodruff, Luke Johnson and others Rush valley for a herd ground, reported unfavorably to granting said petition.

On motion of Councilor W. S. Snow, the report was accepted and the committee discharged from further duties on that subject.

The following communication was received from his Excellency Governor Cumming:—

"I have the honor to transmit herewith the report of the Adjutant General on the condition of the militia of the Territory."

The report was read and,  
On motion of Councilor Smith was referred to the committee  
on Militia.

The minutes were read and accepted.

On motion of Councilor Smith, the Council adjourned until **Monday, January 10th, at 11 a.m.**

Benediction by the Chaplain.

## REPRESENTATIVES' HALL.

G.S.L. CITY, SATURDAY, Jan. 8, 1859, }  
10 a.m. }

House met pursuant to adjournment.

Called to order by the Speaker.

Roll called. Quorum present.

Prayer by the Chaplain.

The following communication was received from the Council:—

"The accompanying "Memorial to Congress for the pre-emption of irrigated lands" has passed the Council and is respectfully submitted for your concurrence."

The memorial was read and,

On motion of Mr. Stout, adopted.

Mr. Osborn presented a petition from Lewis Robison and Isaac Bullock for the exclusive right to run ferries on Green river for the term of five years.

On motion of Mr. Cummings, the petition was received and referred to the committee on Roads, Bridges and Ferries.

Mr. Haight, chairman of committee on Incorporations, reported as follows.—

"Your committee to whom was referred back (H. F. No. 8) "An Act granting a special election in Lehi city, Utah county," reported back said act amended.

On motion of Mr. Snow, the report was received and the bill read the first time and,

On motion of Mr. Spencer, passed.

The bill was read a second time by sections.

The first section was read and,

On motion of Mr. Cummings, passed.

The second section was read and,

On motion of Mr. Rowberry, passed.

On motion of Mr. Stout, the word "granting" was stricken out of the title, and the word "authorizing" inserted instead thereof.

On motion of Mr. Rockwood, the bill was referred to the committee on Engrossing.

Mr. Richards, chairman of committee on Engrossing, returned back (H. F. No. 6) "An Act in relation to Code Commissioners" duly engrossed, which was read the third time and,

On motion of Mr. West, passed.

The bill was read by its title and,

On motion of Mr. Snow, passed, and was sent to the Council for their concurrence.

Mr. Rich, chairman of the committee on Elections, reported as follows:—

"Your committee to whom was referred the fifth paragraph on the fifth page of the Governor's Message, in relation to filling offices vacant in the Territory, beg leave to refer you to the report of this committee of the 4th inst. on that subject, which we consider covers the subject referred to us."

On motion of Mr. West, the report was referred back to the committee for further amendment.

On motion, the speaker added Messrs. Little and Woolley to the committee, with permission to retire to committee room.

Mr. Richards, chairman of the committee on Engrossing, returned back (H. F. No. 7) "An Act regulating the vending and bartering of spirituous liquors" duly engrossed, which was read the third time and,

On motion of Mr. Young, passed, and was sent to the Council for their concurrence.

Mr. Young, chairman of the committee on Counties, reported as follows:—

"The committee on Counties ask leave to introduce an act (H. F. No. 10) entitled "An Act in relation to the entering of public lands."

On motion of Mr. West, the report was received and the bill laid on the table to come up in its order.

Mr. West, chairman of committee on Revenue, reported as follows:—

"Your committee on Revenue, to whom was referred back the report of the committee on Jordan bridge in Utah county, upon further examination find said report to be correct, and report the same back without amendment."

On motion of Mr. Stout, the report was referred back to the committee for further amendments.

Mr. Stout, chairman of committee on Judiciary, reported as follows:—

"Your committee to whom was referred the bill (C. F. No. 2) "An Act in relation to Carson, St. Mary and Humboldt counties," beg leave to report said bill again without amendment, and most respectfully recommend its passage."



On motion of Mr. Haight, the report was received, and the bill read the first time.

On motion of Mr. Osborn, the bill was amended by adding section 3 to the bill, as follows:—"And be it further enacted, that the county seat of Carson county is hereby located at the town of Genoa;" and passed its first reading.

The bill was read a second time by sections.

The first section was read and,

On motion of Mr. Hyde, was amended by striking out the words "is hereby" before the word "revived."

On motion of Mr. West, the section passed as amended.

The second section was read and,

On motion of Mr. Stout, passed.

The third section was read and,

On motion of Mr. Hight, passed.

The fourth section was read and,

On motion of Mr. Woolley, passed.

The fifth section was read and,

On motion of Mr. West, passed.

On motion of Mr. Clawson, the bill passed its second reading.

On motion of Mr. Stout, the bill passed its third reading by its title, and was sent to the Council for their concurrence in the amendment.

Mr. Richards, chairman of the committee on Engrossing, reported back (H. F. No. 8) "An Act authorizing a special election in Lehi city, Utah county" duly engrossed, which was read a third time and,

On motion of Mr. Spencer, passed, and was sent to the Council for concurrence.

The following communication was received from the Council:—

"The accompanying memorial to Congress for an act authorizing the purchase of Indian lands in Utah, and locating the Indians on a Reserve" has passed the Council and is respectfully submitted for your concurrence."

On motion of Mr. Stout, the "memorial" was adopted.

The oldest bill being called for, (H. F. No. 10) "An Act in relation to the entering of public lands," was read the first time and,

On motion of Mr. Cummings, passed, and was ordered to be printed.

The minutes were read and accepted.

House adjourned until Monday, January 10th, 1853, at 10 a.m.

# COUNCIL.

COUNCIL CHAMBER, MONDAY, Jan. 10, 1859, }  
11 A. M. }

Council met pursuant to adjournment.

Called to order by the President.

Roll called. Quorum present.

Prayer by the Chaplain.

On motion of Councilor Carrington, the joint session appointed for to-day at 11½ a.m. was postponed until Thursday, 13th. at 11½ a.m., the House concurring.

The following message was received from the House:—

"The accompanying bill (H. F. No. 6) 'An Act in relation to Code Commissioners,' has passed the House, and is respectfully submitted for your concurrence.

The accompanying bill (H. F. No. 7) entitled 'An Act regulating the vending and bartering of Spirituous Liquors,' has passed the House, and is respectfully submitted for your concurrence.

The accompanying bill (H. F. No. 8) entitled 'An Act authorising a special election in the city of Lehi, Utah county,' has also passed the House, and is respectfully submitted for your concurrence.

The House has adopted your 'Memorial to Congress for the pre-emption of Irrigated lands,' amended, also

Your 'Memorial to Congress for an act authorising the purchase of Indian lands in Utah, and locating the Indians on a Reserve.'

The accompanying bill (C. F. No. 2) 'An Act in relation to Carson, St. Mary and Humboldt counties' has been amended, by striking out the words 'is hereby' on the last line of the first section.

Also by adding section 3, 'And be it further enacted that the county seat of Carson county is hereby located at the town of Genoa.'

You are respectfully requested to concur in the amendments."

On motion of Councilor Farr, the above mentioned bills were laid on the table to come up in their order.

Councilor Johnson, chairman of the committee of Roads, Bridges and Ferries, reported unfavorably to granting the petition of George Thorn and others, asking for a change in the location of the state road between Lake city and Pleasant Grove in Utah county.

On motion of Councilor Carrington, the report was accepted and the committee discharged from further duties on the subject.

The following message was received from the House:—

"The House of Representatives has concurred in your motion to adjourn the joint session until Thursday, 13th, at 11½ a.m."

(H. F. No. 6) "An Act in relation to Code Commissioners" was read and,

On motion of Councilor Carrington, referred to the committee on Judiciary.

(H. F. No. 7) "An regulating the vending and bartering of spirituous Liquors" was taken up and,

On motion of Councilor Woodruff, passed its first reading.

The bill was read the second time and,

On motion of Councilor Farr, referred to the committee on Revenue.

(H. F. No. 8) "An Act authorising a special Election in the city of Lehi, Utah county" was taken up and read and,

On motion of Councilor Farr, passed its first reading.

The bill was read the second time and,

On motion of Councilor Carrington, was referred to the committee on Incorporations.

(C. F. No. 2) "An Act in relation to Carson, St. Mary and Humboldt counties" as amended by the House was taken up and read and,

On motion of Councilor Carrington, was referred to the committee on Judiciary.

Minutes read and accepted.

On motion of Councilor Smith, the Council adjourned till to-morrow at 11 a.m.

---

## REPRESENTATIVES' HALL.

---

G.S.L. CITY, MONDAY, Jan. 10, 1859, }  
10 a.m. }

House met pursuant to adjournment.

Called to order by the Speaker.

Roll called. Quorum present.

Prayer by the Chaplain.

Mr. Rockwood presented a petition from Joseph A. Kelting praying for payment of a bill.

On motion of Mr. Rockwood, the petition was referred to the committee on Claims.

Mr. Stout introduced a bill (H. F. No. 11) entitled "An Act in relation to the manufacturing of spirituous and malt liquors."

On motion of Mr. Hyde, the bill was received and laid on the table to come up in its order.

Mr. West, chairman of committee on Revenue, reported as follows:—

"Your committee to whom was referred back the report of the committee on Jordan bridge in Utah county, upon still further ex-



amination find said report to be correct, and most respectfully report the same back, without amendment, it being strictly in accordance with the books, accounts, receipts and expenditures of Charles Hopkins et al. to us presented, stockholders of said bridge."

On motion of Mr. Osborn, the report was received and the committee discharged from further duty.

The committee to whom was referred the fifth paragraph on the fifth page of the Governor's Message, prayed for more time, which was granted.

Mr. Rockwood, presented a resolution in relation to the purchase of the bridge over Jordan, Utah county.

On motion of Mr. Wright, the resolution was received and referred to the committee on Roads, Bridges and Ferries.

The following communication was received from the Council.

"A motion has passed the Council to adjourn the joint session appointed for to-day at 11½ a.m. (the House concurring) until Thursday 13th at 11½ a.m.

The only bill being called for, (H. F. No. 11) "An Act in relation to the manufacturing of spirituous and malt liquors," was taken up and read the first time and,

On motion of Mr. Cummings, passed its first reading.

On motion of Mr. Stout, fifty copies of the bill were ordered to be printed.

The minutes were read and accepted.

House adjourned until Tuesday, January 11th, 1859, at 10 a.m.

Benediction by the Chaplain.

## COUNCIL.

COUNCIL CHAMBER, TUESDAY, Jan. 11, 1859, {  
11 A. M. }

Council met pursuant to adjournment.

Called to order by the President.

Roll called. Quorum present.

Prayer by the Chaplain.

On motion of Councilor Carrington, a note was addressed to His Excellency the Governor, requesting him to return "An Act attaching Shambip county to Tooele county" to the Council for reconsideration.

(C. F. No. 4) "An Act concerning costs and fees of Territorial courts" was taken up and,

On motion of Council Harrington, passed its first reading.

The bill was taken up on its second reading.

On motion of Councilor Carrington, sec. 1 was amended by

striking out the words "the Territorial" in the second line.

On motion of Councilor Carrington, the words "in District courts" were inserted after the word "compensation" in the second line of ec. 1.

On motion of Councilor Snow, the bill was referred to the committee on Judiciary.

The following message was received from His Excellency the Governor:—

"I have the honor to transmit herewith, an act in relation to Territorial Revenue, and a Memorial to Congress for a donation of Public Lands to settlers—both of which are approved by me.

Also enclosed is an act which proposes to attach Shambip to Tooele county for election, judicial and revenue purposes.

This last named act I respectfully return to the House in which the bill originated without my official signature, for the reasons that I do not believe that the Legislative Assembly is authorized to disfranchise any county or other organized portion of the Territory—and if competent to do so it would establish a bad precedent, and under certain circumstances would tend to injurious results.

P.S.—Since writing the above I have received your note of this date and return the bill for reconsideration."

On motion of Councilor Richards, (C. F. No. 7) an "Act attaching Shambip county to Tooele county" was referred to the committee on Counties.

The minutes were read and accepted.

On motion of Councilor Holbrook, the Council adjourned till tomorrow at 11 a.m.

Benediction by the Chaplain.

## REPRESENTATIVES' HALL.

G.S.L. CITY, TUESDAY, Jan. 11, 1859, }  
10 a.m.

House met pursuant to adjournment.

Called to order by the Speaker.

Roll called. Quorum present.

Prayer by the Chaplain.

On motion of Mr. Hyde, leave of absence was granted to Mr. Joseph A. Young for three days.

Mr. Wright, in behalf of the committee on Counties, reported as follows:—

"Your committee to whom was referred the subject of providing for the building a secure and commodious jail at some point near the centre of population, as recommended in His Excellency's Message to the Legislative Assembly of the Territory of Utah, Dec. 13, 1855, respectfully submit for your consideration the following report:—

That whereas there is now under contract and far advanced in progress of erection, in Great Salt Lake City, a large and commodious Court House, in the basement story of which are five cells designed for the confinement of persons charged with criminal offences, which cells are constructed and are of dimensions as follows, to-wit:—

Three cells 10 by 14 feet area and 9 feet high, with 3 feet outer and 2½ feet inner good substantial rock walls, with a covering of timbers 6 inches square closely jointed and well fastened in the walls; besides the common floors of the rooms overhead; also the floors are laid with good rock flagging of about 6 inches thick, quaintly matched and jointed, extending well under the walls of the building. There are also inner iron doors strongly rigged, with double geared interlocks and fastenings, the outer doors being made in a similar, corresponding, substantial manner, one of which is now already complete.

The other two are of larger size, to-wit:—

Area of rooms, each 14 by 22 feet and 9 feet high and finished in a corresponding manner with those of the aforesaid dungeons; one of which is now already finished with iron-grated windows, ventilators, &c., and supplied with all necessary furniture complete, and your committee were further informed by the superintendent, that as soon in the spring as materials could be obtained from the mountains and kanyons the prison would be finished as herein described.

Your committee would further represent that in view of the dilapidated condition of the roads and bridges generally throughout this Territory at the present time, owing to the numerous trains of heavy burdened wagons constantly passing thereon, the past season, which, in order to make them passable must be immediately repaired at the expense of Territorial and County revenue, together with other incidental expenses accruing from the frequent prosecutions, convictions, confinement and maintenance of criminals in the Territory, which cannot at present be easily obviated:—Therefore, owing to the insufficiency of funds both in the Territorial and County treasuries, your committee deem it inexpedient to make any appropriations at the present time for an additional building, which in our opinion under any ordinary emergency is already provided for."



On motion of Mr Rich, the report was received and the committee relieved from further duty on the subject.

Mr. Clawson moved that, inasmuch as the Hall wherein the District Court is now held is insufficient in strength, the House adjourn until ten a. m. to-morrow, so as to accommodate his Honor Judge Sinclair with the use of this Hall to-day. Seconded and carried.

Minutes read and accepted.

Adjourned until 10 a.m., Wednesday, Jan. 12, '59.

## COUNCIL.

COUNCIL CHAMBER, WEDNESDAY. Jan. 12, 1859, }  
11 A M. }

Council met pursuant to adjournment.

Called to order by the President.

Roll called. Quorum present.

Prayer by the Chaplain.

Councilor Harrington, chairman of the committee on Revenue, to whom was referred (H. F. No. 11) "An Act regulating the vending and bartering of spirituous liquors," reported back the bill amended.

On motion of Councilor Farr, the report was accepted, and the bill laid on the table to come up in its order.

Councilor Farr, chairman of the committee on Incorporations, to whom was referred (H. F. No. 8) "An Act granting a special election in Lehi city, Utah county," reported a substitute.

On motion of Councilor Harrington, the report was accepted, and the bill laid on the table to come up in its order.

Councilor Richards, chairman of the committee on Militia, to whom was referred the report of the Adjutant General, recommended the adoption of a Memorial to Congress for the appropriation of a sum sufficient to defray the expenses of the Indian wars in Utah in 1853 and 1856 and that the Adjutant General's report be printed:

ADJUTANT GENERAL'S OFFICE, U. T., }  
GREAT SALT LAKE CITY, }  
December 1st, 1858. }

*His Excellency A. Cumming,*  
*Governor of Utah Territory,*

SIR:—Since my last Annual Report, dated January 7th of the present year, but few events, connected with the militia of the Territory, of sufficient importance to embody in an official report, have come under my notice.

The arrival of your Excellency on the 12th of April last, in this city, and the confidence which your administration as Governor, inspired in the minds of the citizens, allayed the excitement which had more or less existed throughout the Territory. The militia by your direction were disbanded and have not since been called out, even for purposes of parade or inspection. Hence I am not prepared to give your Excellency any reliable information concerning the number or condition of the Territorial militia. No returns have been called for and none received.

It is gratifying to me to congratulate your Excellency upon the permanent establishment of peace, during your administration, and that you have witnessed seed-time and harvest, uninterrupted by the din of contention.

On the part of some bands of the Utah Indians there have been unmistakeable demonstrations of a hostile nature. A few of the citizens were killed by them and some outrages committed of which your Excellency has information from other sources. As the winter closes in, it is not improbable that their hostility may be augmented by its severity. Under these considerations I would respectfully suggest that you would encourage with your official influence the constant readiness of the citizens for individual and mutual protection.

There are accounts on file in my office, amounting to upwards of one hundred and fifty thousand dollars for services in the suppression of Indian hostilities in 1853 and 1856, for which no appropriations have as yet been made by Congress.

The 12 pdr. Mountain Howitzer, which is all the arms received by this Territory from the General Government, was carried to Provo last spring and there remains.

Permit me to assure your Excellency that any instructions from you will always be promptly carried out; and any information you may require within the reach and control of my department as promptly furnished.

The present, Militia law is simple and sufficient, and needs no amendment.

With the most sincere wishes for the success of your Excellency's administration, and the general welfare of the nation,

I have the honor to remain

Very respectfully

Your obedient servant,

JAMES FERGUSON,

Brig. Gen'l Mil. U. T., Adj't. Gen'l.

"Memorial for an appropriation to defray the expenses of suppressing Indian hostilities in the Territory of Utah in the years 1853 and 1856" was read and,

On motion of Councilor Smith, the report was accepted, and the Memorial laid on the table to come up in its order.

Councilor Richards moved, "that this Council address notes to their Honors the Judges of the District Courts now in this Territory, requesting their reports of 'all omissions, discrepancies or other evident imperfections of the law which have fallen under their observation' as required in sec. 4, chapter 1st, 'An Act in relation to the Judiciary, approved Feb. 4, 1852.'" Seconded and carried.

(H. F. No. 7) "An Act regulating the vending and bartering of spirituous liquors", was taken up and read and,

On motion of Councilor L. Snow the bill was not concurred in.

(H. F. No. 8) "An Act authorising a special election in Lehi city, Utah county" was taken up and read and,

On motion of Councilor Harrington the bill was referred to the committee on Incorporations.

"Memorial for an appropriation to defray the expenses of suppressing Indian hostilities in the Territory of Utah in the years 1853 and 1856" was taken up and read and,

On motion of Councilor Woodruff, the memorial was adopted and ordered to be sent to the House for their concurrence.

The minutes were read and accepted.

On motion of Councilor Woodruff, the Council adjourned until to-morrow at 11 a.m.

Benediction by the chaplain.

---

## REPRESENTATIVES' HALL.

G.S.L. CITY, WEDNESDAY, Jan. 12, 1859, }  
10 a.m. }

House met pursuant to adjournment.

Called to order by the Chief Clerk.

Roll called. Quorum present.

On motion of Mr. Cummings, Mr. Hyde was voted Speaker pro tem.

Prayer by the Chaplain.

The Speaker arrived and took the chair.

The following communication was received from the Governor:—



“EXECUTIVE OFFICE, UTAH, G.S.L. CITY,”  
January 11, 1859. }

TO HON. JOHN TAYLOR, SPEAKER OF THE HOUSE:—

SIR—I have the honor to transmit to you with my official approval an act entitled “An Act changing the county seat of Washington county.” Also “An Act granting unto Joseph Young the right to establish and control ferries on Bear river, also a bridge on the Malad.”

Very respectfully, your obedient servant,

A. CUMMING,  
Governor, Utah Territory.

Mr. Johnson, chairman of committee on Roads, Bridges and Ferries, reported as follows:—

“Your committee to whom was referred the subject of Jordan bridge, near Lehi city, Utah county, beg leave to report the accompanying bill and recommend its passage.”

(H. F. No. 12) “An Act authorizing the Territorial Road Commissioner to negotiate with the proprietors of Jordan bridge, across Jordan river, near Lehi city, Utah county.”

On motion of Mr. Snow, the report was received and the bill read the first time and,

On motion of Mr. Rowberry, passed.

The bill was read a second time by sections.

The first section was read and,

On motion of Mr. West, passed.

The second section was read and,

On motion of Mr. Haight, passed.

On motion of Mr. Richards, the bill passed its second reading and was sent to the Engrossing committee.

Mr. Rockwood moved that the committee on Incorporations be instructed to inquire into the propriety of incorporating the “Placerville, Humboldt and Salt Lake Telegraph Company,” and report by bill or otherwise, and that Mr. Osborn be added to said committee. Seconded and carried.

The Speaker added Mr. Osborn to the committee on Incorporations.

Mr. Richards moved that the committee on Counties be instructed to inquire into the efficiency of the present existing laws relative to town sites, and the recording of town plots, and, if deemed necessary, to report a bill authorizing the locating of town sites within the meaning of “An Act of Congress for the relief of the citizens of towns upon the lands of the United States,” approved May 23, 1844. Seconded and carried.

41  
On motion, the Speaker added Mr. Richards to the committee on Counties.

The oldest bill being called for, (H. F. No. 10) "An Act in relation to the entering of public lands" was read the first time and,

On motion of Mr. Osborn, passed.

On motion of Mr. Rockwood, the bill was referred back to the committee on Counties.

(H. F. No. 11) "An Act in relation to the manufacturing of spirituous and malt liquors" was read the first time and,

On motion of Mr. Cummings, passed.

The bill was read the second time by sections.

The first section was read and,

On motion of Mr. Little, was amended by inserting the words "for sale, barter or traffic" after the word "Territory" in the second line.

On motion of Mr. West, the section passed as amended.

On motion of Mr. Hyde, the bill was referred to a select committee.

The Speaker appointed Messrs. Stout, Hyde, Rich, Woolley and Wright said committee.

Mr. Richards, chairman of committee on Engrossing, reported back (H. F. No. 12) "An Act authorizing the Territorial Road Commissioner to negotiate with the proprietors of the Jordon bridge, near Behi city, in Utah county," duly engrossed, which was read the third time and,

On motion of Mr. Rich, passed.

On motion of Mr. Rockwood, the bill passed by its title and was sent to the Council for their concurrence.

Mr. Clawson, chairman of committee on Claims, reported as follows:—

"Your committee to whom was referred the claims of Joseph A. Kelting, beg leave to report that they deem it inexpedient to legislate thereon, and desire to be discharged from further duty on that subject."

On motion of Mr. Snow, the report was received and the committee discharged from further duty on the subject.

The report of the committee on Roads, Bridges and Ferries in relation to the petition of Lewis Robison and Isaac Bullock being called for, the chairman of said committee reported as follows:—

"Your committee to whom was referred the petition of Isaac Bullock and Lewis Robison asking the extension of the right of ferrying on Green river, Green River county, report favorable to said petition and recommend the passage of the accompany bill, (H. F. No. 13) 'An Act granting unto Isaac Bullock and Lewis Robison the right of erecting and controlling ferries on Green river.'"

On motion of Mr. Richards, the report was received and the bill laid on the table to come up in its order.

The following communication was received from the Council:—

"The accompany bill, (H. F. No. 7) "An Act regulating the vending and bartering of spirituous liquors" is respectfully returned, not concurred in.

Observing that you have under consideration (H. F. No. 11) "An Act in relation to the manufacturing of spirituous and malt liquors," we respectfully suggest the incorporation of the two bills in one."

Mr. Richards moved that we concur in the suggestion of the Council, and refer the bill to the special committee to whom was referred (H. F. No. 11). Seconded and carried.

(H. F. No. 13) "An Act granting unto Isaac Bullock and Lewis Robison the right of erecting and controlling ferries on Green river," being called for, was read the first time and,

On motion of Mr. Cummings, passed.

The bill was read the second time by sections.

The first section was read and,

On motion of Mr. Osborn, passed.

The second section was read and,

On motion of Mr. Little, passed.

The third section was read and,

On motion of Mr. Wright, was amended by inserting the words "in the sum of two thousand dollars."

On motion of Mr. Cummings, the bill was further amended by inserting the words "and to indemnify all persons interested in any loss they may sustain in consequence of neglect or carelessness on their part."

On motion of Mr. West, the section passed as amended.

The fourth section was read and,

On motion of Mr. Spencer, passed.

On motion of Mr. Cummings, the bill passed its second reading and was sent to the Engrossing committee.

Minutes read and accepted.

Adjourned until 10 a.m., Thursday, Jan. 13, '59.

Benediction by the Chaplain.



# COUNCIL.

COUNCIL CHAMBER, THURSDAY. Jan. 13, 1859, }  
11 A. M. }

Council met pursuant to adjournment.

Called to order by the President.

Roll called. Quorum present.

Prayer by the Chaplain.

The following message was received from the House:—

“The accompanying bill (H. F. No. 13) entitled “An Act granting to Isaac Bullock and Lewis Robison the right of erecting Ferries on Green river” has this day passed the House, and is now respectfully submitted for your concurrence.”

On motion of Councilor Smith, the bill was referred to the committee on Roads, Bridges and Ferries.

The following communication was received from the Governor:—

“EXECUTIVE OFFICE, UTAH, G.S.L. CITY, }  
January 12, 1859. }

HON. PRESIDENT OF THE COUNCIL AND SPEAKER OF THE HOUSE:

*Gentlemen*—I have the honor of transmitting herewith a Memorial to the Senate and House of Representatives praying for the appointment of a commission to treat with the various tribes in the Territory for the extinguishment of their title, establish reserves, &c.

Also, a Memorial praying for a law authorising the pre-emption of irrigated lands in sections or quarter sections.

The above Memorials have received my official approval.

Very respectfully, your obedient servant,

A. CUMMING,  
Governor, Utah Territory.”

On motion of Councilor Kimball, the Council adjourned to meet in joint session.

On adjournment of joint session the Council resumed its sitting.

The following message was received from the House:—

“The accompanying bill (H. F. No. 12) entitled ‘An Act authorizing the Territorial Road Commissioner to negotiate with the proprietors of Jordan Bridge, near Lehi city, Utah county’ has this day passed the House, and is now respectfully submitted for your concurrence.”

On motion of Councilor Smith, the bill was referred to the committee on Roads, Bridges and Ferries.

Councilor Carrington of the committee on Judiciary reported back (C. F. No. 4) “An Act concerning costs and fees of Territorial Courts” as amended, which was taken up on its second reading.

out.

On motion of Councilor Smith, sec. 11 was amended by inserting

"When sitting on civil or criminal cases per day	\$3,00
Hearing each divorce case	5,00"

On motion of Councilor W. S. Snow, the bill passed it second reading.

On motion of Councilor Smith, the bill was referred to the committee on Engrossing.

Councilor Carrington, of the committee on Judiciary, to whom was referred (C. F. No. 2) "An Act in relation to Carson, St. Mary and Humboldt counties" amended by the House reported as a substitute (C. F. No. 11) "An Act re-organizing Carson and Green River counties, and attaching St. Mary and Humboldt counties, which was read and,

On motion of Councilor Smith, passed its first reading.

The bill was read the second time and,

On motion of Councilor W. S. Snow, passed its second reading.

On motion of Councilor Smith, the bill was read by its title, and so passed.

Councilor Farr, chairman of the committee on Incorporations, to whom was referred (H. F. No. 8) "An Act authorising a special election in Lehi city, Ut county" reported back said bill amended by striking out the preamble, and inserting in sec. 2 the words "and all subsequent elections" after the word "election."

On motion of Councilor Carrington, the amendments were accepted and the bill ordered to be sent to the House for its concurrence in the amendments.

Councilor Carrington, of the committee on Judiciary reported (C. F. No. 12) "An Act defining who are exempt from serving on juries and prescribing the mode of procuring Grand and Petit Juries and Jurors for District Courts, and for other purposes."

The bill was read and,

On motion of Councilor Smith, the report was accepted and the bill ordered to be printed.

Councilor Farr presented a petition from David B. Bybee for extension of a grant for a toll bridge across Weber river.

On motion of Councilor Carrington, the petition was referred to the committee on Roads, Bridges and Ferries, with instructions to report by bill or otherwise.

The minutes were read and accepted.

On motion of Councilor Brunson, Council adjourned until to-morrow at 11 a.m.

Benediction by the Chaplain.

# REPRESENTATIVES' HALL.

G.S.L. CITY, THURSDAY, Jan. 13, 1859, }  
10 a.m. }

House met pursuant to adjournment.

Called to order by the Chief Clerk.

Roll called. Quorum present.

On motion of Mr. Snow, Hon. Orson Hyde was voted Speaker pro tem.

Prayer by the Chaplain.

The Speaker arrived and took the chair.

Mr. Johnson, chairman of committee on Roads, Bridges and Ferries, reported back (H. F. No. 9) "An Act providing for the bridging of ditches or sects leading across highways" amended.

On motion of Mr. Covington, the report was received and the bill laid on the table to come up in its order.

Mr. Osborn, in behalf of the committee on Counties, reported as follows:—

"Your committee to whom was referred back (H. F. No. 10) 'An Act in relation to the entering of public lands,' respectfully report the bill back, with the following amendments: additional section No. 3."

On motion of Mr. Rockwood, the report was received and the bill laid on the table to come up in its order.

Mr. Richards, chairman of the committee on Engrossing, reported back (H. F. No. 13) "An Act granting to Isaac Bullock and Lewis Robison the right of erecting and controlling ferries on Green river" duly engrossed, which was read the third time and,

On motion of Mr. Osborn, passed.

The bill was read by its title and,

On motion of Mr. Johnson, passed, and was sent to the Council for their concurrence.

Mr. West, in behalf of the committee on Revenue, to whom was referred the report of the Auditor of Public Accounts in relation to the Penitentiary, prayed for more time, which,

On motion of Mr. Little, was granted.

On motion of Mr. Little, the Speaker added Mr. Cummings to the aforesaid committee.

Mr. Stout, chairman of the committee on Judiciary, reported as follows:—

"Your committee to whom was referred the memorial of John Hartnett and other members of the bar, recommending the adoption (for the present) of 'Well's Missouri Code of Practice,' beg leave to report that, after duly considering the subject, deem it inexpedient to adopt said code of practice, and ask leave to be discharged from further duty thereon."



On motion of Mr. Wright, the report was received and the committee discharged from further duty on the subject.

The House went into joint session.

[See joint session minutes.]

The joint session adjourning, the House resumed its sitting.

The oldest bill on the table being called for, (H. F. No. 9) "An Act providing for the bridging of ditches or seats leading across highways" was read the first time and,

On motion of Mr. Snow, the bill passed its first reading.

The bill was taken up on its second reading by sections.

The first section was read and,

On motion of Mr. Little, the bill was referred back to the committee for amendment.

On motion, the Speaker added Mr. Stout to the aforesaid committee.

Minutes read and accepted.

Adjourned until 10 a.m., Jan. 14, '59.

---

## JOINT SESSION.

JOINT SESSION, REPRESENTATIVES' HALL, }

THURSDAY, Jan, 13, 1859.

11½ a.m. }

The Assembly met in joint session according to previous appointment.

Called to order by the President of the Council.

Rolls called. Quorums present.

The following officers were elected:—

*Chancellor of University:*

Orson Pratt, sen.

*Regents of University:*

Daniel H. Wells,

Orson Hyde,

Joseph A. Young,

Robert L. Campbell,

Gilbert Clements,

Wm. Eddington,

Claudius V. Spencer,

Isaac Bowman,

Orson Pratt, jun.,

George J. Taylor,

Samuel W. Richards,

Isaac Grow.

*Treasurer of University:*—Thomas W. Ellerbeck.  
*Territorial Treasurer:*—David O. Calder.  
*Auditor of Public Accounts:*—Wm. Clayton.  
*Territorial Road Commissioner:*—Thomas D. Brown.  
*Territorial Marshal:*—John Kay.  
*Attorney General:*—Seth M. Blair.  
*Surveyor General:*—Jesse W. Fox.  
*Librarian:*—Wm. C. Staines.  
*Recorder of Marks and Brands:*—Wm. Clayton.

*Inspectors of the Penitentiary:*

Wilford Woodruff,                      Albert P. Rockwood,  
   Samuel W. Richards.

*Warden of the Penitentiary:*

Daniel Carn.

*Sealer of Weights and Measures:*

Nathan Davis.

*Washington County:*

James B. McCullough, Probate Judge.  
George Spencer, Notary Public.

*Iron County:*

James Lewis, Probate Judge.  
James H. Martineau, Notary Public.

*Beaver County:*

Daniel M. Thomas, Probate Judge.  
Charles W. Wandell, Notary Public.

*Millard County:*

John A. Ray, Probate Judge.  
Thomas R. King, Notary Public.

*San Pete County:*

Gardner Snow, Probate Judge.  
John Eager, Notary Public.

*Juab County:*

Andrew Love, Probate Judge.  
Madison D. Hambleton, Notary Public.

*Cedar County:*

Zerubbabel Snow, Probate Judge.  
Thomas Irwin, Notary Public.

*Utah County:*

Silas Smith, Probate Judge.  
L. N. Scovel, Notary Public.

*Great Salt Lake County:*  
Elias Smith, Probate Judge.  
Edwin R. King, Notary Public.

*Davis County:*  
Thomas S. Smith, Probate Judge.  
James Leithead, Notary Public.

*Weber County:*  
Aaron Farr, Probate Judge.  
Wm. Critchlow, Notary Public.

*Box Elder County:*  
Samuel Smith, Probate Judge.  
John Burt, Notary Public.

*Tooele County:*  
Ormus E. Bates, Probate Judge.  
Lysander Gee, Notary Public.

*Green River County:*  
William A. Carter, Probate Judge.

*Carson County:*  
John S. Child, Probate Judge.  
John A. Thompson, Notary Public.

*Shambip County:*  
Luke Johnson, Probate Judge.  
Samuel Bennion, Notary Public.

The minutes of the 27th being called for, were read and accepted.  
The minutes of the day were read and,  
On motion of Mr. Rich, accepted, and the joint session minutes  
ordered to be printed.

On motion of Councilor Woodruff, the joint session adjourned  
until Wednesday, Jan. 19, '59, at 11 a.m.

## COUNCIL.

COUNCIL CHAMBER, FRIDAY. Jan. 14, 1859, }  
11 A. M.

Council met pursuant to adjournment.  
Called to order by the President.  
Roll called. Quorum present.  
Prayer by the Chaplain.  
Councilor Johnson, chairman of committee on Roads, Bridges and  
Ferries, referred back (H. F. No. 13) "An Act granting to Isaac  
Bullock and Lewis Robison the right to erect and control ferries on  
Green river" without amendment, recommending the concurrence  
of the Council therein.  
The bill was read and,



On motion of Councilor Smith, the report was accepted and the bill concurred in.

The following message was received from the House:—

"The House of Representatives has concurred in your act, (C. F. No. 11) "An Act reorganizing Carson and Green River counties and attaching St. Mary and Humboldt counties" with the following amendment; by inserting the words 'to Great Salt Lake county' in the first section. Do you concur in the amendment?"

On motion of Councilor Carrington, the amendment was concurred in.

Councilor Carrington, of the committee on Judiciary, to whom was referred (H. F. No. 6) "An Act in relation to code commissioners" reported as a substitute "An Act creating a special committee, prescribing their duties and providing for the payment of their services and their consequent necessary expenses."

The bill was read and,

On motion of Councilor Harrington, the report was accepted and the bill passed its first reading.

The bill was read the second time and,

On motion of Councilor W. S. Snow, passed its second reading.

On motion of Councilor W. S. Snow, the bill passed its third reading and was ordered to be sent to the House for their concurrence.

The following message was received from the House:—

"The House of Representatives has concurred in your 'Memorial for an appropriation to defray the expenses of suppressing Indian hostilities in the Territory of Utah in the years 1853 and 1856.'"

Councilor Johnson, chairman of the committee on Roads, Bridges and Ferries, to whom was referred (H. F. No. 9) "An Act authorizing the Territorial Road Commissioner to negotiate with the proprietors of the Jordan bridge, near Lehi city, in Utah county," reported back the bill without amendment, recommending the concurrence of the Council therein.

On motion of Councilor Smith, the bill was referred to the committee on Judiciary.

Councilor Smith, chairman of the committee on Memorials, reported a "Memorial for the admission of the State of Deseret," which was read and,

On motion of Councilor Kimball, was adopted and sent to the House for their concurrence.

The minutes were read and accepted.

On motion of Councilor Harrington, the Council adjourned until to-morrow at 11 a.m.

Benediction by the Chaplain.

# REPRESENTATIVES' HALL.

G.S.L. CITY, FRIDAY, Jan. 14, 1859, }  
10 a.m. }

House met pursuant to adjournment.

Called to order by the Speaker.

Roll called. Quorum present.

Prayer by the Chaplain.

Mr. Rich, chairman of the committee on Elections, reported as follows:—

"Your committee to whom was referred back the report on the fifth paragraph on the fifth page of the Governor's Message, beg leave to report the accompanying act, (H. F. No. 14) 'An Act in relation to the qualification of officers,' and most respectfully recommend its passage."

On motion of Mr. Snow, the report was received and the bill taken up on its first reading.

On motion of Mr. West, the bill passed its first reading.

The bill was taken up on its second reading by sections.

The first section was read and,

On motion of Mr. Wright, passed.

The second section was read and,

On motion of Mr. West, passed.

On motion of Mr. Rockwood, the bill passed its second reading, and was sent to the Engrossing committee.

The oldest bill being called for, (H. F. No. 10) "An Act in relation to the entering of public lands" was read the first time and,

On motion of Mr. Cummings, passed its first reading.

The bill was taken up on its second reading by sections.

The first section was read and,

On motion of Mr. Clawson, passed.

The second section was read and,

On motion of Mr. Wright, passed.

The third section was read and,

On motion of Mr. Cummings, passed.

The fourth section was read and,

On motion of Mr. West, passed.

The fifth section was read and,

On motion of Mr. Thomas, passed.

On motion of Mr. Rockwood, the bill passed its second reading and was sent to the Engrossing committee.

The following communication was received from the Council:—

"The accompanying bill, (C. F. No. 11) "An Act reorganizing Carson and Green River counties, and attaching St. Mary and Humboldt counties" (a substitute for C. F. No. 2 'An Act in relation to Carson, St. Mary and Humboldt counties' amended by the House,) has passed the Council and is respectfully submitted for your con-

Your bill (H. F. No. 8) 'An Act authorizing a special election in the city of Lehi' has been concurred in, with the following amendments:—By striking out the preamble, and inserting the words 'and all subsequent elections' after the word 'election' in the 2d section. You are respectfully requested to concur in the amendments."

On motion of Mr. Stout, the "Act authorizing a special election in Lehi city, Utah county, was referred to the committee on Incorporations,

On motion of Mr. Osborn, (C. F. No. 11) "An Act reorganizing Carson and Green River counties, and attaching St. Mary and Humboldt counties" was read and,

On motion of Mr. Spencer, passed its first reading.

The bill was taken up on its second reading by sections.

The first section was read and,

On motion of Mr. Osborn, was amended by inserting the words "to Great Salt Lake county" after the word counties.

On motion of Mr. Hyde, the section passed as amended.

The second section was read and,

On motion of Mr. Little, passed.

On motion of Mr. Little, the bill passed its second reading.

The bill was read a third time by its title and,

On motion of Mr. Stout, passed, and was sent to the Council for their concurrence in the amendment.

The following communication was received from the Council:—

"The accompanying bill, (H. F. No. 13) 'An Act granting unto Isaac Bullock and Lewis Robison the right to erect and control ferries on Green river' has been concurred in by the Council."

Mr. Henderson moved that the committee on Roads, Bridges and Ferries be instructed to confer with the Road Commissioner, and learn whether the bridge as contemplated in an act, approved June 4, 1853, granting Abiah Wadsworth and others the right of erecting a bridge across Weber river, is now the property of the Territory, also the condition of said bridge, and report as soon as convenient with regard to the same." Seconded and carried.

The following communication was received from the Council:—

"The accompanying 'Memorial for an appropriation to defray the expenses of suppressing Indian hostilities in the Territory of Utah, in the years 1853 and 1856' has been adopted by the Council, and is respectfully submitted for your concurrence.

On motion of Mr. Clawson, the House concurred.

Mr. Osborn presented a resolution in relation to mail service, which,

On motion of Mr. Little, was referred to the committee on Petitions and Memorials.

The following communication was received from the Council:—

"The Council concur in your amendment to (C. F. No. 11) 'An Act reorganizing Carson and Green river counties and attaching St. Mary and Humboldt counties.'"

Mr. Haight, chairman of the committee on Incorporations,



"Your committee on Incorporations to whom was referred the act authorizing a special election in Lehi city, amended by the Council, report back the same, and recommend the concurrence of the House in the amendments."

On motion of Mr. Snow, the report was received and the House concurred in the amendments.

Mr. Richards, chairman of the Engrossing committee, reported back (H. F. No. 14) "An Act in relation to the qualification of officers" duly engrossed and,

On motion of Mr. Clawson, was read the third time.

On motion of Mr. Richards, the first section of the bill was amended by striking out the words "who shall be."

On motion of Mr. Hyde, the bill passed its third reading.

On motion of Mr. Stout, the title of the bill was amended so as to read "An Act specifying the time in which officers shall qualify and give bonds," and was sent to the Council for their concurrence.

On motion of Mr. Clawson, the Speaker appointed Messrs. Rockwood, Cummings and Stout a special committee on Appropriations.

Mr. Stout, chairman of special committee, reported as follows:—

"Your committee to whom was referred 'An Act regulating the vending and bartering of spirituous liquors,' and the 'Act in relation to the manufacturing of spirituous and malt liquors,' beg leave to report the accompanying act as a substitute for said acts."

"An Act regulating the manufacturing and sale of liquors."

On motion of Mr. Haight, the report was received and the bill laid on the table to come up in its order.

The first reading of the bill being called for, it was read and,

On motion of Mr. Clawson, passed, and fifty copies ordered to be printed.

Mr. Spencer, chairman of the committee on Petitions and Memorials, reported as follows:—

"Your committee on Petitions and Memorials report that they have considered the paragraphs in the Governor's Message, referred to them, and do not deem it expedient to take further action thereupon."

On motion of Mr. Rich, the report was received.

Mr. Richards, chairman of the committee on Engrossing, reported back (H. F. No. 10) "An Act in relation to the entering of public lands" duly engrossed, which was read the third time and,

On motion of Mr. Stout, passed.

The bill was read by its title and,

On motion of Mr. Clawson, passed, and was sent to the Council for their concurrence.

The following communication was received from the Council:—

"An Act creating a special committee, prescribing their duties, and providing for the payment of their services and their consequent necessary expenses" as a substitute for (H. F. No. 6) "An Act in relation to Code commissioners," has passed the Council and is respectfully submitted for your concurrence."

The bill was read the first time and,

On motion of Mr. Rockwood, passed.

The bill was taken up on its second reading by sections.

The first section was read and,

On motion of Mr. West, passed.

The second section was read and,

On motion of Mr. Spencer, passed.

The third section was read and,

On motion of Mr. Stout, was amended by inserting the words "approved January 16, 1852" after the word duties.

On motion of Mr. Hyde, the section passed as amended.

On motion of Mr. Richards, the bill passed its second reading.

On motion of Mr. Stout, the bill passed its third reading.

The bill was read by its title and,

On motion of Mr. Stout, passed, and notified the Council accordingly.

The following communication was received from the Council:—

"The accompanying 'Memorial for the admission of the State of Deseret' has been adopted by the Council, and is respectfully submitted for your concurrence. Your immediate action is requested with a view to its being mailed."

On motion of Mr. Hyde, the House concurred, and the Council was notified accordingly.

Minutes read and accepted.

Adjourned until 10 a.m., Jan. 15, '59.

## COUNCIL.

COUNCIL CHAMBER, SATURDAY. Jan. 15, 1859, }

11 A.M.

Council met pursuant to adjournment.

Called to order by the President.

Roll called. Quorum present.

Prayer by the Chaplain.

The following message was received from the House:—

"Your amendments to (House File No. 8) entitled "An Act authorising a special election in Lehi city, Utah county" are concurred in.

The accompanying Acts (H. F. No. 14) entitled "An Act specifying the time in which officers shall qualify and give bonds" also (H. F. No. 10) "An Act in relation to the entering of public lands" have this day passed the House, and are respectfully submitted for your concurrence.

The House has concurred in "An Act creating a special committee, prescribing their duties, and providing for the payment of their services and their consequent necessary expenses" with the following amendment "approved Jan. 16, 1852," inserted in the last line of the 3d section—do concur in the amendment.

And have adopted your Memorial to Congress for the admission of the State of Deseret."

(H. F. No. 14) "An Act specifying the time in which officers shall qualify and give bonds" was read and,

On motion of Councilor Smith, referred to the committee on Elections.

(H. F. No. 19) "An Act in relation to the entering of Public Lands" was read and,

On motion of Councilor Smith, referred to the committee on Agriculture, Trade and Manufacture.

On motion of Councilor Carrington, the Council concurred with the House in their amendment to "An Act creating a special committee, prescribing their duties, and providing for the payment of their services and their consequent necessary expenses."

Councilor Carrington, chairman of the committee on Education, to whom was referred (H. F. No. 5) "An Act to provide for the selection and locating of a quantity of land equal to two townships for the establishment of a University," reported back said bill amended.

Said bill was read and,

On motion of Councilor L. Snow, referred back to the committee for further consideration.

The following message was received from the House:—

"The accompanying "Joint Resolution in relation to mail service" has been adopted by the House, and is now sent to the Council for their concurrence.

The accompanying act (H. F. No. 16) entitled 'An Act changing the time of holding elections in Nephi city' has passed the House and is respectfully submitted for your concurrence."

(H. F. No. 16) "An Act changing the time of holding elections in Nephi city," was read and,

On motion of Councilor Carrington, referred to the committee on Incorporations, with instructions to report by amendment, substitute or otherwise.

The "Joint Resolution in relation to mail service" was read and,

On motion of Councilor Smith, referred to the committee on Judiciary.

Councilor L. Snow, chairman of the committee on counties to whom was referred "An Act attaching Shambip county to Tooele county" returned by His Excellency for re-consideration, reported further legislation on that subject at present unnecessary and asked to be discharged from further duties on the subject.

On motion of Councilor W. S. Snow, the report was accepted.

(C. F. No. 4) "An Act concerning costs and fees of Territorial Courts and for other purposes" was taken up and on its third reading and,



On motion of Councilor Carrington, section 14 was made the last section of the bill, and the other sections numbered accordingly.

On motion of Councilor Smith, the bill passed its third reading. The bill was read by its title and,

On motion of Councilor Carrington, the word "territorial" was stricken out.

The minutes were read and accepted.

On motion of Councilor Farr, the Council adjourned until Monday, 17, '59, at 11 a.m.

Benediction by the Chaplain.

---

## REPRESENTATIVES' HALL.

G.S.L. CITY, SATURDAY, Jan. 15, 1859, }  
10 a.m. }

House met pursuant to adjournment.

Called to order by the Speaker.

Roll called. Quorum present.

Prayer by the Chaplain.

Mr. Rockwood, acting chairman of the committee on Library, reported as follows:—

"Your committee to whom was referred the report of the Librarian, have taken the subject into consideration and recommend that the committee on Appropriations be instructed to put into the appropriation bill one hundred and fifty dollars, to defray the cost of rebinding books and other incidental expenses of the Library, as asked for in the report of the Librarian.

The Librarian reports to us that he is in hopes most of the seventy-two volumes, referred to in his former report, will ultimately be recovered, as they were occasionally being returned.

Mr. Johnson, chairman of the committee on Roads, Bridges and Ferries, reported back (H. F. No. 9) "An Act providing for the bridging of ditches or sects leading across the highways," as amended.

On motion of Mr. Rich, the report was received and laid on the table to come up in its order.

Mr. Rockwood moved that the committee on Claims be instructed to take into consideration the claims of the members and officers of the House for per diem and mileage and report at an early date. Seconded and carried.

Mr. Rockwood, chairman of committee on Appropriations, presented an account from Code Commissioners, which,

On motion of Mr. Cummings, was referred to the committee on Claims.

Mr. Haight, chairman of the committee on Incorporations, reported as follows:—

“Your committee to whom was referred the resolution on the subject of the Placerville, Humboldt and Salt Lake Telegraph Company, having duly considered the subject, report the accompanying act, (H. F. No. 15) “An Act to incorporate the Placerville, Humboldt and Salt Lake Telegraph Company,” and recommend its passage.

Also (H. F. No. 16) “An Act changing the time of holding elections in Nephi city.”

On motion of Mr. West, the report was received.

On motion of Mr. Osborn, 50 copies of the bill (H. F. No. 15) “An Act to incorporate the Placerville, Humboldt and Salt Lake Telegraph Company” was ordered to be printed.

(H. F. No. 16) “An Act changing the time of holding elections in Nephi city,” was read the first time and,

On motion of Mr. Snow, passed.

The bill was taken up on its second reading by sections.

The first section was read and,

On motion of Mr. Stout, was amended by inserting the words “for city officers” after the word “Territory” in the fourth line.

On motion of Mr. Rowberry, the section passed as amended.

The second section was read and,

On motion of Mr. Hyde, passed.

The third section was read and,

On motion of Mr. Stout, passed.

On motion of Mr. Wright, the bill passed its third reading and was sent to the Engrossing committee.

Mr. Spencer, chairman of the committee on Petitions and Memorials, reported as follows:—

“Your committee to whom was referred joint resolution for the increase of mail service and speed between Missouri and California via G. S. L. City, beg leave to report favorable to the passage of said resolution.”

On motion of Mr. Stout, the resolution was amended by striking out the words “our Delegate in Congress be instructed, and the members of that body, who feel interested, be requested to” and by inserting the word “we,” and by striking out the word “even” after the word “demonstrating” and the word “limited” before the word “services” and the words “to compel the contractors” before the words “to carry.”

On motion of Mr. Stout, the resolution was adopted as amended and sent to the Council for concurrence.

Mr. Johnson, chairman of the committee on Roads, Bridges and Ferries, reported as follows:—

"Your committee to whom was referred the motion of Samuel Henderson, relating to the bridge across the Weber river, built by Abiah Wadsworth and others, beg leave to report that from reliable information, find that the bridge cost near two thousand dollars, and that said company, up to this date, have received but little over five hundred dollars, in taking toll thereon. We also learn that there is a petition from said company before the Legislative Council, for an extension of said charter, therefore your committee asks to be discharged from further duty thereon."

On motion of Mr. West, the report was received and the committee discharged from further duty.

Mr. Richards, chairman of committee on Engrossing, reported back (H. F. No. 16) "An Act changing the time of holding elections in Nephi city" duly engrossed, which was read the third time and,

On motion of Mr. Snow, passed, and was sent to the Council for their concurrence.

(H. F. No. 9) "An Act providing for the bridging of ditches or sects leading across the highways" being called for, was read the first time and,

On motion of Mr. West, passed.

The bill was taken up on its second reading by sections.

The first section was read and,

On motion of Mr. Snow, passed.

The second section was read and,

On motion of Mr. Rich, passed.

The third section was read and,

On motion of Mr. Stout, passed.

The fourth section was read and,

On motion of Mr. Richards, was amended by substituting instead thereof the words "An Act providing for the bridging of ditches or sects leading across the highways," approved March 3, 1852, is hereby repealed.

On motion of Mr. Rich, the bill passed its second reading and was sent to the Engrossing committee.

Mr. Peacock moved that the committee on Agriculture, Trade and Manufacture confer with the President and Board of Directors of the Deseret Agricultural Society and obtain a report of the financial affairs of the Society, and report a bill appropriating means to further promote the interests of said Society, if in the judgment of the committee such an appropriation is necessary. Seconded and carried.



The Speaker instructed the committee accordingly.  
Minutes read and accepted.  
Adjourned until 10 a.m., Monday, Jan. 17, '59.  
Benediction by Chaplain.

## COUNCIL.

COUNCIL CHAMBER, ~~Saturday~~ Jan. 17, 1859, }  
11 A M.

Council met pursuant to adjournment.

Called to order by the President.

Roll called. Quorum present.

Prayer by the Chaplain.

Councilor W. S. Snow, chairman of the committee on Elections, to whom was referred (H. F. No. 14) "An Act specifying the time in which officers shall qualify and give bonds" reported back the bill amended by inserting the words "being notified of," between the words "after," and "his."

On motion of Councilor Smith, the report was accepted, and the bill taken up for consideration.

On motion of Councilor Smith,

The bill was not concurred in.

On motion of Councilor Smith, (C. F. No. 9) "An Act prescribing certain qualifications necessary to enable a person to be eligible to hold office, vote or serve as a juror," was taken up for re-consideration. The bill was read and,

On motion of Councilor Carrington, sec. 1 was amended in the third line so as to read "one year" instead of "two years;" also sec. 5 was amended in the third line so as to read "one year" instead of "two years."

On motion of Councilor Carrington, the word "otherwise" was stricken out of the fourth line of section 4.

On motion of Councilor Woodruff, the words "and under sixty" were stricken out of the third line of section 4.

On motion of Councilor Carrington, the words from "crimes" to "owns" in section 4, were stricken out; also all after the word "juror" were stricken out in the same section.

On motion of Councilor Carrington, the words "and no army sutler and no freighter or other person in the employment of the United States" were stricken out of sec. 5, and the words "or other person subject to their military authority" inserted.

On motion of Councilor Carrington, the words "householders and," also "and if married, has his family and domicile therein" were stricken out of sec. 6.

On motion of Councilor Richards, the word "and" before "person" in sec. 3, was stricken out.

On motion of Councilor Kimball, the bill passed as amended.

(C. F. No. 12) "An Act, defining who are exempt from serving

on jurors, and prescribing the mode of procuring grand and petit juries for District Courts and for other purposes," was taken up and,

On motion of Councilor Woodruff, passed its first reading.

The following message was received from the House:—

"The accompanying bill (H. F. No. 9) 'An Act providing for the bridging of ditches or sects leading across the highways' has passed the House and is respectfully submitted for your concurrence.

Also the accompanying bill (H. F. No. 17) 'An Act regulating the manufacture and sale of Liquors.'"

(H. F. No. 9) "An Act providing for the bridging of ditches or sects leading across the highways" was read and,

On motion of Councilor Smith, referred to the committee on Roads, Bridges and Ferries.

(H. F. No. 17) "An Act regulating the manufacture and sale of liquors" was read and,

On motion of Councilor Smith, was referred to the committee on Agriculture, Trade and Manufacture.

The minutes were read and accepted.

On motion of Councilor W. S. Snow, the Council adjourned until to-morrow at 11 a.m.

Benediction by the Chaplain.

---

## REPRESENTATIVES' HALL.

G.S.L. CITY, MONDAY, Jan. 17, 1859,  
10 a.m. }

House met pursuant to adjournment.

Called to order by the Speaker.

Roll called. Quorum present.

Prayer by the Chaplain.

The following communication was received from the Council:—

"The accompanying bill, (C. F. No. 4) "An Act concerning costs and fees of courts, and for other purposes" having passed the Council is respectfully submitted for your concurrence."

On motion of Mr. Richards, the first reading of the bill was called for.

On motion of Mr. Henderson, the bill passed its first reading.

On motion of Mr. Rockwood, the bill was referred to the committee on Judiciary.

Mr. Wright presented a petition from the County Court of Great Salt Lake county, which,

On motion of Mr. Rockwood, was received and referred to the committee on Revenue.

Mr. Richards, chairman of committee on Engrossing, reported back (H. F. No. 9) "An Act providing for the bridging of ditches or sects leading across the highways" duly engrossed, which was read the third time and,

On motion of Mr. Rowberry, passed its third reading by its title and was sent to the Council for their concurrence.

(H. F. No. 17) "An Act regulating the manufacturing and sale of liquors" being called for was read the first time and,

On motion of Mr. Rich, passed.

The bill was taken up on its second reading by sections.

The first section was read and,

On motion of Mr. Richards, was amended by inserting the words "for sale, or be allowed to" after the word "manufacture," and by striking out the word "or" before "sell" and the words "for pecuniary consideration" before the words "any spirituous."

On motion of Mr. Rich, the section passed as amended.

The second section was read and,

On motion of Mr. Henderson, passed.

The third section was read and,

On motion of Mr. Henderson, passed.

The fourth section was read and,

On motion of Mr. West, was amended by striking out the words "pecuniary consideration" after the words "disposed of."

The fifth section was read and,

On motion of Mr. Young, was amended by striking out the words "to a third person or party" after the word "transferable" in the first line.

On motion of Mr. West, the section passed as amended.

The sixth section was read and,

On motion of Mr. Bigler, passed.

The seventh section was read and,

On motion of Mr. Henderson, passed.

The eight section was read and,

On motion of Mr. Richards, passed.

The ninth section was read and,

On motion of Mr. Young, passed.

On motion of Mr. Hyde, the bill passed its second reading.

On motion of Mr. Hyde, the bill passed its third reading by its title and was sent to the Council for concurrence.

The following communication was received from the Council:—



"Your bill (H. F. No. 14) "An Act specifying the time in which officers shall qualify and give bonds" is not concurred in."

The following communication was received from the Council:—

"The accompanying bill (C. F. No. 9) "An Act prescribing certain qualifications necessary to enable a person to be eligible to hold office, vote or serve as a juror" has passed the Council and is respectfully submitted for your concurrence."

The bill was taken up on its first reading and,

On motion of Mr. Hyde, passed.

The bill was taken up on its second reading by sections.

The first section was read and,

On motion of Mr. Stout, passed.

The second section was read and,

On motion of Mr. Woolley, passed.

The third section was read and,

On motion of Mr. Spencer, passed.

The fourth section was read and,

On motion of Mr. Stout, passed.

The fifth section was read and,

On motion of Mr. Woolley, passed.

The sixth section was read and,

On motion of Mr. Stout, passed.

The seventh section was read and,

On motion of Mr. Snow, passed.

On motion of Mr. Snow, the bill passed its second reading.

On motion of Mr. Rockwood, the bill passed its third reading by its title, and the Council were accordingly notified that the House had concurred in their bill.

The following communication was received from the Governor:—

"GENTLEMEN:—The following "Acts" passed by the present Legislative Assembly have this day received my official approval:—

"An Act authorizing a special election in Lehi city."

"An Act creating a special committee (for codifying laws) etc., etc.

"An Act reorganizing Carson and Green River counties, etc., etc.

"An Act granting unto Isaac Bullock and Lewis Robison ferries on Green river, etc.

Also the Memorial for an appropriation to defray the expenses of suppressing Indian hostilities—1853 and 1856."

Mr. Clawson, chairman of committee on Claims reported as follows:—

"Your committee to whom was referred the claim of the Code Commissioners, for compiling from the United States Statutes at Large, all laws applicable to Utah Territory, agreeable to the acts passed by the Legislative Assembly, session of 1856-7, having duly

considered the subject, beg leave to report favorable and recommend that said claim be included in the general appropriation bill, and be referred to the special committee on appropriations for that purpose."

On motion of Mr. West, the report was received and referred to the appropriate committee.

The next business on the table being called for, (H. F. No. 15) "An Act to incorporate the Placerville, Humboldt and Salt Lake Telegraph Company" was read and,

On motion of Mr. West, passed its first reading.

Minutes were read and accepted.

Adjourned until 10 a.m., Jan. 18, '59.

Benediction by Chaplain.

## COUNCIL.

COUNCIL CHAMBER, TUESDAY, Jan. 18, 1859,  
11 A. M. }

Council met pursuant to adjournment.

Called to order by the President.

Roll called. Quorum present.

Prayer by the Chaplain.

Councilor Woodruff presented an account from the "Deseret News Office," which was read and,

On motion of Councilor L. Snow, accepted and referred to the committee on Claims.

Councilor Kimball, chairman of the committee on Agriculture, Trade and Manufacture, to whom was referred (H. F. No. 17) "An Act regulating the manufacturing and sale of Liquors" reported back said bill without amendment and recommended its passage.

On motion of Councilor Smith, the report was accepted and the bill taken up on its first reading.

On motion of Councilor W. S. Snow, the bill passed its first reading.

The bill was read the second time.

On motion of Councilor L. Snow, the word "aforesaid" was inserted before the word "business" in the third line of sec. 2, and the words "in which they shall seek to become authorized to engage" were stricken out.

On motion of Councilor Richards, the words "the provisions of" in the fourth line, and the word "for" in the fifth line of sec. 4 were stricken out.

On motion of Councilor Farr, the words "or whenever they shall deem the public good requires it" were added to sec. 4.

On motion of Councilor Harrington the bill passed its second reading.

On motion of Councilor Richards, the bill was read the third time by its title, and so passed.

The following message was received from the House:—

"The accompanying bill (H. F. No. 15) entitled "An Act to incorporate the Placerville, Humboldt and Salt Lake Telegraph Company" has passed the House and is respectfully submitted for your concurrence.

And the accompanying bill (H. F. No. 19) "An Act to amend an Ordinance entitled an Ordinance incorporating the University of the State of Deseret, 'approved Feb. 28th, 1850' has also passed the House and is respectfully submitted for your concurrence."

(H. F. No. 15) "An Act to incorporate the Placerville, Humboldt and Salt Lake Telegraph Company" was read and,

On motion of Councilor Harrington, referred to the committee on Incorporations.

(H. F. No. 19) "An Act to amend an Ordinance entitled 'an ordinance incorporating the University of the State of Deseret, approved Feb. 28, 1850,' " was read and,

On motion of Councilor Richards, referred to the committee on Education.

Councilor Woodruff presented the following:—

GENTLEMEN:—

I herewith present to your honorable body the report of the Treasurer of the Deseret Agricultural and Manufacturing Society, showing the condition of the finances of said society, and ask your consideration of the subject, and that if you in your wisdom deem it proper, to make a further appropriation of \$1000, or such sum as your wisdom may dictate.

The report was read and,

On motion of Councilor W. S. Snow, referred to the committee on Agriculture, Trade and Manufacture.

Councilor Farr, chairman of the committee on Incorporations, to whom was referred (H. F. No. 16) "An Act changing the time of holding elections in Nephi city" reported as a substitute "An Act changing the time of holding elections in the different cities."

On motion of Councilor Harrington, the report of the committee was accepted and the bill laid on the table to come up in its order.

(C. F. No. 18) "An Act defining who are exempt from serving on juries, and prescribing the mode of procuring grand and petit jurors and juries for district courts, and for other purposes," was taken up on its second reading.

On motion of Councilor Richards, the words "members and officers of the Legislative Assembly" were inserted in sec. 1.

On motion of Councilor Richards, the bill passed its second reading.



On motion of Councilor Woodruff, the bill passed its third reading by its title.

"An Act changing the times of holding elections in the different cities" was taken up and,

On motion of Councilor W. S. Snow, passed its first reading.

The bill was read the second time and,

On motion of Councilor W. S. Snow, passed its second reading.

On motion of Councilor Kimball, the bill passed its third reading.

The minutes were read and accepted.

On motion of Councilor Woodruff, the Council adjourned until to-morrow at 11 a.m.

Benediction by the Chaplain.

## REPRESENTATIVES' HALL.

G.S.L. CITY, TUESDAY, Jan. 18, 1859, }  
10 a.m. }

House met pursuant to adjournment.

Roll called. Quorum present.

On motion of Mr. Peacock, Hon. Orson Hyde was voted Speaker pro tem.

Prayer by the Chaplain.

The oldest bill being called for (H. F. No. 15) "An Act to incorporate the Placerville, Humboldt and Salt Lake Telegraph Company" was taken up on its second reading by sections.

The first section was read and,

On motion of Mr. Richards, was amended by striking out the words "telegraph line" from the seventh line, and the words "in the usual way" from the eighth line.

On motion of Mr. Stout, the section passed as amended.

The second section was read and,

On motion of Mr. Rich, passed.

The third section was read and,

On motion of Mr. Richards, was amended by striking out the words "to" after the word "dollar," and by inserting the words "and may" instead.

On motion of Mr. Stout, the section was further amended by adding the words "and entitle the holder thereof to one vote."

On motion of Mr. West, the section passed as amended.

The fourth section was read and,

On motion of Mr. Woolley, was stricken out.

The fifth section was read and,

On motion of Mr. Woolley, passed.

On motion of Mr. Cummings, the bill passed its second reading and was sent to the Engrossing committee.

The Speaker arrived and took the chair.

Mr. West, chairman of the committee on Revenue, reported as follows:—

"Your committee to whom was referred the memorial of the County Court and Assessor and Collector of Great Salt Lake county, petitioning for an amendment to an act entitled 'An Act prescribing the manner of assessing and collecting Territorial and County taxes,' approved January 7, 1854, respectfully present for your consideration the accompanying bill (H. F. No. 18) 'An Act amending an act prescribing the manner of assessing and collecting Territorial and County taxes' and recommend its passage."

On motion of Mr. Cummings, the report was received and the first reading of the bill called for, and,

On motion of Mr. West, passed.

The bill was taken up on its second reading by sections.

The first section was read and,

On motion of Mr. Rich, passed.

The second section was read and,

On motion of Mr. Henderson, passed.

The third section was read and,

On motion of Mr. Richards, the bill was referred back to the committee for amendment.

Mr. Hyde, chairman of the committee on Education, reported as follows:—

"Your committee to whom was referred that portion of the Governor's Message, calling the attention of this Assembly to the subject of Education, beg leave, most respectfully, to represent:—

That whereas the Chancellor and board of Regents of the University of the State of Deseret have just been elected by a joint vote of both branches of this Assembly, and will soon be qualified to enter upon the duties of their calling, to whose supervision this subject has been legitimately intrusted by previous act of this body, deem further legislation upon that subject, under existing circumstances, inexpedient during this session.

Your committee, however, would recommend a reduction of the bonds required by existing laws to be executed by the Chancellor and board of Regents, and other officers of the Institution, more especially on account of no very great amount of means having passed into their hands, neither can pass to any great amount only by the act of some future Legislature, who may increase the bonds, or the Executive of the Territory may do it if he shall think proper. Therefore your committee beg leave to report the accompanying bill:—(H. F. No. 19) "An Act to amend an ordinance, entitled an ordinance incorporating the University of the State of Deseret, approved Feb. 28, 1850."

On motion of Mr. Cummings, the report was received and the first reading of the bill called for.

On motion of Mr. Spencer, the bill passed its first reading.

The bill was taken up on its second reading by sections.

The first section was read and,

On motion of Mr. Rich, passed.

On motion of Mr. Hyde, the bill passed its second reading.

The bill was read the third time by its title and,

On motion of Mr. Richards, passed, and was sent to the Council for their concurrence.

Mr. Richards, chairman of committee on Engrossing, reported back (H. F. No. 15) "An Act to incorporate the Placerville, Humboldt and Salt Lake Telegraph Company" duly engrossed.

The bill was read the third time by its title and,

On motion of Mr. Bigler, passed and was sent to the Council for their concurrence.

Minutes were read and accepted.

Adjourned until 10 a.m., Jan. 19, '59.

Benediction by Chaplain.

## COUNCIL.

COUNCIL CHAMBER, WEDNESDAY, Jan. 19, 1859, }  
11 A. M. }

Council met pursuant to adjournment.

Called to order by the President.

Roll called. Quorum present.

Prayer by the Chaplain.

On motion of Councilor Carrington, the joint session appointed for to-day at 11½ a. m. was postponed until to-morrow at 11½ a. m. and the House requested to concur therein.

Councilor Carrington presented (C. F. No. 13) "An Act concerning Notaries Public for Great Salt Lake County," which was read and,

On motion of Councilor Kimball, was accepted and passed its first reading.

The bill was read the second time and,

On motion of Councilor Richards, passed its second reading.

The bill was read the third time and,

On motion of Councilor Kimball, passed its third reading.

Councilor Holbrook, of the committee on Roads, Bridges and Ferries, to whom was referred the petition of David B. Bybee, for toll bridges, reported (C. F. No. 14) "An Act extending the time of a grant to Abiah Wardsworth and others, of the bridge across Weber river," which was read and,

On motion of Councilor Farr, the report was accepted and the bill laid on the table to come up in its order.

Councilor Kimball, chairman of the committee on Agriculture, Trade and Manufacture, to whom was referred the report of the Treasurer of the Deseret Agricultural and Manufacturing Society, reported (C. F. No. 15) "An Act appropriating money to the Deseret Agricultural and Manufacturing Society."



On motion of Councilor W. S. Snow, the report was accepted, and the bill laid on the table to come up in its order.

Councilor Kimball, chairman of the committee on Agriculture, Trade and Manufacture, to whom was referred (H. F. No. 10) "An Act in relation to the entering of Public Lands," reported back said bill without amendment and recommended its passage.

On motion of Councilor L. Snow, the report was accepted and the bill laid on the table to come up in its order.

Councilor Woodruff, chairman of the committee on Claims, to whom was referred the subject of the general appropriation bill, reported (C. F. No. 16) "General Appropriation Bill."

On motion of Councilor W. S. Snow, the report was received and the bill laid on the table to come up in its order.

Councilor Carrington, chairman of the committee on Education, to whom was referred (H. F. No. 19) "An Act to amend 'An Ordinance incorporating the University of the State of Deseret'" reported: "That in their opinion the subject matter of the bill is not of sufficient importance to require present legislation, and recommend that the Council do not concur in its passage."

On motion of Councilor Harrington, the report was accepted.

Councilor Harrington, chairman of the committee to whom was referred (H. F. No. 5) "An Act to provide for the selection and location of a quantity of land equal to two townships for the establishment of a University," reported back said bill amended, which was read and,

On motion of Councilor W. S. Snow, the bill passed its second reading as amended.

On motion of Councilor Richards, the bill passed its third reading and the House were requested to concur in the amendments.

The following message was received from the House:—

"The House of Representatives have concurred in your wish to adjourn the joint session appointed for this day until 11½ a. m. tomorrow."

Councilor Farr, chairman of the committee on Incorporations, to whom was referred (H. F. No. 15) "An Act to incorporate the Placerville, Humboldt and Salt Lake Telegraph Company," reported back said bill without amendment and recommended its passage.

On motion of Councilor W. S. Snow, the report was accepted and the bill laid on the table to come up in its order.

(C. F. No. 14) "An Act extending the time of a grant to Abiah Wardsworth and others, of the bridge across Weber river," was taken up and read and,

On motion of Councilor Carrington, passed its first reading.

The bill was read the second time and,

On motion of Councilor Carrington, passed its second reading.

On motion of Councilor Carrington, the bill was read by its title and so passed.

(C. F. No. 15) "An Act appropriating money to the Deseret Agricultural and Manufacturing Society" was taken up and read and, On motion of Councilor W. S. Snow, passed its first reading.

The bill was read the second time and,

On motion of Councilor Farr, passed its second reading.

On motion of Councilor Farr, the bill was read by its title and so passed.

(H. F. No. 10) "An Act in relation to the entering of public lands" was taken up and read and,

On motion of Councilor W. S. Snow, passed its first reading.

The bill was read the second time and,

On motion of Councilor Carrington, the bill was referred to a special committee composed of Councilors Richards, L. Snow and Harrington.

The following message was received from the House:—

"The House of Representatives do not concur in 'An Act changing the time of holding elections in the different cities' and again respectfully ask you to concur in (H. F. No. 16) 'An Act changing the time of holding elections in Nephi city.' The Act (C. F. No. 13) entitled 'An Act concerning Notaries Public for Great Salt Lake County' is concurred in by the House.

On motion of Councilor Carrington, (H. F. No. 16) "An Act changing the time of holding elections in Nephi City" was referred to the committee on Incorporations.

(C. F. No. 16) "General Appropriation Bill" was taken up and read and,

On motion of Councilor Richards, passed its first reading.

The bill was read the second time and,

On motion of Councilor Carrington, the bill was laid on the table for future consideration.

Councilor Harrington, of the committee on Roads, Bridges and Ferries, to whom was referred (H. F. No. 9) "An Act providing for the bridging of ditches or sects leading across the highways" reported a substitute,

Which was read and,

On motion of Councilor Farr, the report was accepted and the bill was laid on the table to come up in its order.

(H. F. No 19) "An Act to amend 'an Ordinance entitled an Ordinance incorporating the University of the State of Deseret' approved Feb. 28, 1850" was taken up and,

On motion of Councilor Richards, the bill was not concurred in.

(H. F. No. 15) "An Act to incorporate the Placerville, Humboldt and Salt Lake Telegraph Company" was taken up and,

On motion of Councilor L. Snow, the bill was concurred in.

The substitute to (H. F. No. 9) "An Act providing for the bridging of ditches or sect leading across the highways" was taken up and,

On motion of Councilor Carrington, the presenter of said substituted bill had leave to withdraw the same.

On motion of Councilor Carrington, the bill (H. F. No. 9) was not concurred in.

On motion of Councilor L. Snow, the committee on Roads, Bridges and Ferries were instructed to report an act to stimulate supervisors to the more faithful performance of their respective duties.

On motion of Councilor Richards, the report of the Treasurer of the Deseret Agricultural and Manufacturing Society was ordered to be inserted in the minutes.

TREASURER'S OFFICE, G.S.L. CITY, U. T.)  
January 1, 1859.

*Deseret Agricultural and Manufacturing Society*

*In account with J. C. LITTLE, Treasurer.*

Dr.		Amounts.	Cr.		Amounts.
1857.			1856.		
Jan. 1	To amount of orders issued to date on Auditor -	705 92.	Jan. 1	By appropriation of Legislative Assembly -	1500 00
"	Balance, including remainder of appropriation not drawn -	976 08	1857.		
		<u>\$1682 00</u>	Jan. 1	By amount received from tickets to date -	182 00
					<u>\$1682 00</u>
1858.			1857.		
Jan. 1	To amount of orders issued to date on Auditor -	1053 09	Jan. 1	By balance brought down -	976 08
"	Balance, including remainder of appropriation not drawn -	1051 99	"	By appropriation of Legislative Assembly this year -	1000 00
		<u>\$2105 08</u>	1858.		
			Jan. 1	By amount received from tickets to date -	129 00
					<u>\$2105 08</u>
1859.			1858.		
Jan. 1	To amount of orders issued to date on Auditor -	299 00	Jan. 1	By balance brought down -	1051 99
"	To amount paid at "this Treasury" -	358 50	1859.		
"	To bill of Sundries allowed -	174 05	Jan. 1	By amount received from tickets to date -	318 00
"	Balance, including remainder of appropriation not drawn -	538 44			<u>\$1369 99</u>
		<u>\$1369 99</u>			
			1859.		
			Jan. 1	By balance -	538 44



*TRANSCRIPT of account with the Auditor of Public Accounts,  
J. W. Cummings, Esq.*

Dr.		J. W. CUMMINGS.		Cr.	
1856.				1856.	By orders issued from this office on you this year
Jan. 1	To amount of appropriation by Legislative Assembly at its annual session	1500	00		favor sundry persons for
				1857.	do do
1857.					1063 09
Jan. 1	To amount of appropriation by Legislative Assembly this year			1858.	do do
		1000	00		299 00
					Balance remaining unpaid for which no orders as yet have been issued
					441 99
		<u>\$2500</u>	<u>00</u>		
					<u>\$2500</u> <u>00</u>
1859.					
Jan. 1	Tr balance brought down	441	99		

The undersigned would respectfully submit the foregoing exhibit of the Treasury department of "The Deseret Agricultural and Manufacturing Society;" also, a Transcript of his account with J. W. Cummings, Esq., Auditor of Public Accounts.

The exhibit shows the actual condition of the finances of the Society, so far as returns have been made to this office; the Transcript shows a balance of \$441 99 remaining unexpended of the appropriations made by the Legislative Assembly.

With respect, your obedient servant,  
J. C. LITTLE, Treasurer.

Councilor Farr, chairman of the committee on Incorporations, to whom was referred (H. F. No. 16) "An Act changing the times of holding elections in certain cities" reported back said bill amended by striking out "Great Salt Lake and Tooele" in the first section, and in the title by striking out "the different" and inserting "certain."

On motion of Councilor Kimball, the bill passed and the House were requested to concur.

The minutes were read and accepted.

On motion of Councilor Kimball, the Council adjourned until to-morrow at 11 a.m.

**Benediction by the Chaplain.**

# REPRESENTATIVES' HALL.

G.S.L. CITY, WEDNESDAY, Jan. 19, 1859, }  
10 a.m. }

House met pursuant to adjournment.  
Bell called.

Roll called. Quorum present.

Called to order by the Speaker.

Prayer by the Chaplain.

The following communication was received from the Council:—

"The accompanying bill, (C. F. No. 3) "An Act defining the three Judicial Districts for the District Courts in the Territory of Utah" has passed the Council and is respectfully submitted for your concurrence.

Your bill (H. F. No. 17) "An Act regulating the manufacturing and sale of spirituous liquors" has been concurred in by the Council, with the following amendments, by inserting in sec. 2 the word "aforesaid" before the word "business" and by striking out all after the word "business," and in section 4 by striking out the words "the provisions of" and also the word "for" and by inserting after the word "license" the words "or whenever they shall deem the public good requires it."

(C. F. No. 3) "An Act defining the three Judicial Districts for the District Courts in the Territory of Utah" was read and,

On motion of Mr. Rockwood, was laid on the table to come up in its order.

Mr. Farnsworth presented a petition from 68 citizens of Beaver, Beaver county, praying for a charter for Beaver city.

On motion of Mr. Cummings, the petition was referred to the committee on Incorporations.

Mr. Stout presented an account from Thomas Bullock and five others, for payment of \$143 for services rendered, and other purposes.

On motion of Mr. Rockwood, the account was referred to the committee on Claims.

Mr. Stout presented a petition from Joshua Terry and Joel Terry, for the right to a water privilege.

On motion of Mr. Rockwood, the petition was referred to the committee on Agriculture, Trade and Manufacture.

Mr. Rockwood presented an account from the "Deseret News Office" for services rendered the Territory.

On motion of Mr. Peacock, the account was referred to the committee on Claims.

Mr. West, chairman of the committee on Revenue, reported as follows:—

"Your committee to whom was referred the matter of the Auditor's report and the Warden's expenditures, beg leave to say that we have examined and compared the Auditor's report and the books and accounts of the Warden of the Penitentiary, to us presented, and most respectfully submit the accompanying report:—

*Expenses on Territorial prisoners.*

From January 30, 1855, to Oct. 16, 1856	:	:	294 07
From Oct. 16, 1856, to Sept. 25, 1857	:	:	458 97
From Sept. 25, 1857, to Sept. 1, 1858	:	:	407 56

Repairs on Penitentiary	:	:	:	\$1160 60
				85 65

Total	:	:	:	\$1245 25
-------	---	---	---	-----------

*Paid to Warden on Auditor's warrants.*

For the year 1855	:	:	:	417 56
" " 1856	:	:	:	503 07
" " 1867	:	:	:	449 72

Total drawn	:	:	:	1370 35
Deduct expenditures	:	:	:	1246 25

Amount over drawn	:	:	:	\$124 10
-------------------	---	---	---	----------

Amount of appropriations by the Legislative Assembly for Daniel Carn, Warden	:	:	:	865 50
---	---	---	---	--------

For further relief of Warden, 1857	:	:	:	600 00
------------------------------------	---	---	---	--------

				\$1455 50
--	--	--	--	-----------

We find there has been drawn on the above appropriations, as follows:—

In the year 1855	:	:	:	350 00
" " 1857	:	:	:	400 00
" " 1858	:	:	:	9 00
				759 00

Balance due Warden	:	:	:	\$706 50
--------------------	---	---	---	----------

We also find the amounts drawn by the Warden to defray expenses of prisoners, repairing Penitentiary and for his services, correspond with the accompanying Auditor's report.

Also, we find an account of labor done by Territorial prisoners, amounting to	:	:	:	174 20
---	---	---	---	--------

We also find from the Warden's books and accounts, to us presented, there has been expended for U. S. prisoners, to wit:—

From Jan. 1855, to May 26, 1856	:	:	2619 65
From May 26, 1856, to Feb. 15, 1857	:	:	2352 80
From Feb. 15, 1857, to Aug. 23, 1858	:	:	1479 80

			\$6452 25
--	--	--	-----------

We find the Warden has received in part payment of the above account, of the former U. S. Marshal, Joseph L. Heywood

	:	:	2619 65
--	---	---	---------

Balance due said Warden on the 23d of Aug. 1858			\$3832 60
---	--	--	-----------



On motion of Mr. Richards, the report was received and the committee discharged from further duty on the subject.

Mr. Rockwood moved that the committee on Appropriations be instructed to incorporate in the Territorial appropriation bill \$1245 25 to cover the amount drawn by the Warden to defray the expense of Territorial prisoners, and the repairs on the penitentiary up to this date. Seconded and carried.

The following communication was received from the Council:—

“An Act changing the times of holding elections in the different cities’ has passed the Council as a substitute for (H. F. No. 16) ‘An Act changing the time of holding elections in Nephi city,’ and is respectfully submitted for your concurrence.”

The following communication was received from the Council:—

“The Council have decided to adjourn the joint session adjourned until to-day, till to-morrow at 11½ a.m. You are respectfully requested to concur in the adjournment.”

On motion of Mr. Richards, the House concurred.

Substitute for (H. F. No. 16) “An Act changing the times of holding elections in the different cities” was read and,

On motion of Mr. Stout, the House did not concur and notified the Council accordingly, requesting them to concur in the original bill (H. F. No. 16) “An Act changing the time of holding elections in Nephi city.”

The following communication was received from the Council:—

“The accompanying, (C. F. No. 13) “An Act concerning Notaries Public for Great Salt Lake county,” has passed the Council and is respectfully submitted for your concurrence.”

The bill was read the first time and,

On motion of Mr. Richards, passed.

The bill was taken up on its second reading by sections.

The first section was read and,

On motion of Mr. Spencer, the bill passed its second reading.

On motion of Mr. West, the bill passed its third reading by its title, and the Council was notified accordingly.

Mr. West, chairman of committee on Revenue, reported as follows:—

“Your committee, after a careful revision of (H. F. No. 18) ‘An Act amending an act prescribing the manner of assessing and collecting Territorial and County taxes,’ report back said bill as amended.”

On motion of Mr. Rich, the report was received and the bill taken up on its second reading by sections.

On motion of Mr. West, the bill passed its second reading.

The bill was read the third time by its title and,

On motion of Mr. Richards, passed, and was sent to the Council for their concurrence.

House adjourned until 3 p.m.

3 p.m.

Called to order by the Speaker.

Roll called. Quorum present.

Mr. Hyde, chairman of committee on Agriculture, Trade and Manufacture, reported as follows:—

"Your committee to whom was referred the petition of Joshua and Joel Terry, p. [redacted] for a grant to take out the water of the Warm Springs, in the southern part of Great Salt Lake county, for purposes of irrigation, beg leave to report, that in the opinion of your committee, this is not a proper subject of legislation, by his body, as the County Courts are vested with ample power in the premises."

On motion of Mr. Osborn, the report was received.

The following communication was received from the Council:—

"The Council have passed the enclosed amended copy of (H. F. No. 5) 'An Act to provide for the selection and location of a quantity of land equal to two townships for the establishment of a University;' you are respectfully requested to concur in the amendments.

The accompanying bills (C. F. No. 14) 'An Act extending the time of a grant to Abiah Wardsworth and others, of the bridge across the Weber river' and (C. F. No. 15) 'An Act appropriating money to the Deseret Agricultural and Manufacturing Society' have passed the Council and are respectfully submitted for your concurrence.

Your bills (H. F. No. 19) 'An Act to amend an Ordinance entitled 'an Ordinance incorporating the University of the State of Deseret, approved Feb. 26, 1850,' and (H. F. No. 9) 'An Act providing for the bridging of ditches or sects across the highways' are not concurred in.

We have concurred in (H. F. No. 15) 'An Act to incorporate the Placerville, Humboldt and Salt Lake Telegraph Company.'"

The bills being called for in their order [H. F. No. 5] "An Act to provide for the selection and location of a quantity of land equal to two townships for the establishment of a University" was read by sections as amended by the Council.

On motion of Mr. Rockwood, the amendments of the Council were concurred in.

(C. F. No. 14) "An Act extending the time of a grant to Abiah Wardsworth and others of the bridge across Weber river" was read for concurrence and,

On motion of Mr. Spencer, the House concurred.

[C. F. No. 15] "An Act appropriating money to the Deseret Agricultural and Manufacturing Society" was read and,

On motion of Mr. Stout, was concurred in.

The following communication was received from the Council:—

"The accompanying bill [C. F. No. 12] "An Act defining who are exempt from serving on juries, and prescribing the mode of procuring Grand and Petit Jurors and Juries of District Courts and for other purposes" has passed the Council and is respectfully submitted for your concurrence.

The Council do not concur in your bill [H. F. No. 16] "An Act changing the time of holding elections in Nephi City" and respectfully request you to concur in the substitute—amended by striking out the words 'Great Salt Lake and Tooele' in sec. 1, and by amending the title so as to read, 'An Act changing the times of holding elections in certain cities.'"

Substitute for [H. F. No. 16] "An Act changing the times of holding elections in certain cities" was read and,

On motion of Mr. Stout, was laid on the table indefinitely.

[C. F. No. 12] "An Act defining who are exempt from serving on juries, and prescribing the mode of procuring Grand and Petit Jurors and Juries for District Courts and for other purposes" was read and,

On motion of Mr. Stout, was laid on the table to come up in its order.

[H. F. No. 17] "An Act regulating the manufacturing and sale of Liquors" was read as amended by the Council and,

On motion of Mr. Osborn, passed as amended.

Mr. Stout, chairman of the committee on Judiciary, reported as follows:—

"The committee to whom was referred the apportionment bill, beg leave to report the said bill be amended so as to allow Utah County three Representatives, Cedar County one, San Pete one, and eight for Great Salt Lake County, and that sec. 3 be stricken out and the following be inserted, 'That at the General Election in 1859, and biennially thereafter there shall be elected one Delegate to the Congress of the United States.'"

On motion of Mr. Osborn, the report was received.

The bill was read the first time and,

On motion of Mr. Spencer, passed.

The bill was taken up on its second reading by sections.

The first section was read and,

On motion of Mr. Stout, passed.

The second section was read and,

On motion of Mr. Rockwood, was amended by inserting the words "Carson, St. Mary and Humboldt" after the word "Millard."

On motion of Mr. Stout, the section was further amended by inserting the words "and Green river" after the word "Cache" and by striking out the word "and" before the word "Cache."

On motion of Mr. Spencer, the section passed as amended.

The third section was read and,

On motion of Mr. Stout, was stricken out and the words "That at



the General Election in 1859, and biennially thereafter there shall be elected one Delegate to the Congress of the United States" be substituted.

On motion of Mr. Osborn, the section passed as amended.

The fourth section was read and,

On motion of Mr. West, passed.

On motion of Mr. Rich, the bill passed its second reading.

On motion of Mr. Richards, the bill passed its third reading by its title, and was sent to the Council for their concurrence in the amendments.

Mr. Stout, chairman of committee on Judiciary, reported as follows:—

"Your committee to whom was referred [C. F. No. 4] "An Act concerning costs and fees of Courts, and for other purposes" report the same back without amendment and respectfully solicit its passage."

On motion of Mr. Thomas, the report was received and the bill taken up on its second reading by sections.

On motion of Mr. Stout, the bill passed its second reading.

The bill was read the third time and,

On motion of Mr. Rockwood, passed.

On motion of Mr. Little, the bill passed by its title.

[C. F. No. 3] "An Act defining the three Judicial Districts for the United States Courts in the Territory of Utah" was read and,

On motion of Mr. Bigler, passed its first reading.

The bill was read a second time by sections and,

On motion of Mr. Osborn, passed.

On motion of Mr. Richards, passed its third reading by its title.

Mr. Haight, chairman of committee on Incorporations, reported as follows:—

"Your committee" whom was referred the petition of Ross R. Rogers and others considered the same, most respectfully beg leave to favorably to granting said petition."

On motion of Mr. West, the report was received and the committee discharged from further duty.

Minutes were read and accepted.

Adjourned until 10 a.m., Jan. 20, '59.

Benediction by Chaplain.

# COUNCIL.

COUNCIL CHAMBER, THURSDAY, Jan. 20, 1859,  
11 A. M.

Council met pursuant to adjournment.

Called to order by the President.

Roll called. Quorum present.

Prayer by the Chaplain.

The following message was received from the House:—

"The accompanying Act (C. F. No. 1) entitled "An Act apportioning the representation of Utah Territory," has been amended by the House in sec. 1 by inserting "one" for the county of San Pete, "three" for Utah county, one for Cedar county, eight for Great Salt Lake," &c.

Sec. 2 is amended so as to read "one for Beaver, Millard, Carson, St. Mary and Humboldt counties" and "two for Weber, Box Elder, Malad, Cache and Green River counties."

Sec. 3, the original is stricken out and the following substituted:  
"That at the generalelection in 1859 and biennially thereafter there shall be elected one Delegate to the Congress of the United States."  
You are respectfully requested to concur in the amendments."

(C. F. No. 1) "An Act apportioning the representation of Utah Territory," was read and,

On motion of Councilor Smith, referred to the committee on Judiciary.

The following message was received from the House:—

"The accompanying Act entitled (H. F. No. 18) 'An Act amending an Act prescribing the manner of assessing and collecting Territorial and County Taxes,' has passed the House and is respectfully submitted for your concurrence."

The amendments of the Council to (H. F. No. 5) "An Act to provide for the selection and location of a quantity of land equal to two townships for the establishment of a University," are concurred in.

The amendments of the Council to (H. F. No. 17) "An Act regulating the manufacturing and sale of Liquors," are concurred in.

The House has concurred in your bills (C. F. No. 14) "An Act extending the time of a grant to Abiah Wardsworth and others of the bridge across Weber river," and (C. F. No. 15) "An Act appropriating money to the Deseret Agricultural and Manufacturing Society."

The House has also concurred in (C. F. No. 3) "An Act defining the three Judicial Districts for the District Courts in the Territory of Utah," and (C. F. No. 4) "An Act concerning costs and fees of Courts and for other purposes."

(H. F. No. 18) "An Act amending an Act prescribing the manner of assessing and collecting Territorial and county Taxes," was read and,

On motion of Councilor Farr, referred to the committee on Revenue.

The following message was received from the House.—

"The accompanying act entitled 'An Act changing the the times of holding elections in certain cities' has been amended by inserting 'Sec. 3. This act shall be in force from and after its passage.' And respectfully submit the same for your concurrence."

On motion of Councilor Farr, the amendment was concurred in.

Councilor Richards, chairman of the special committee to whom was referred (H. F. No. 10) "An Act in relation to the entering of public lands," reported that, in their opinion, sec. 3 should be stricken from the bill.

On motion of Councilor Woodruff, the report was accepted and the bill taken up and read the first time and,

On motion of Councilor W. S. Snow, passed its first reading.

The bill was read the second time and,

On motion of Councilor Kimball, passed its second reading.

The bill was read the third time and,

On motion of Councilor Kimball, passed.

Councilor Kimball presented (C. F. No. 17) "An Act repealing an act granting unto Brigham Young, Wilford Woodruff and other person Rush valley for a herd ground and other purposes," which was read and,

On motion of Councilor Smith, accepted and laid on the table to come up in its order.

On motion of Councilor Smith, the Council adjourned to meet in joint session.

[See joint session minutes.]

On adjournment of joint session the Council resumed its sitting.

(C. F. No. 17) "An Act to repeal an act granting to Brigham Young, Wilford Woodruff and other persons Rush valley for a herd ground and other purposes," was taken up and read and,

On motion of Councilor Harrington, passed its first reading.

The bill was read the second time and,

On motion of Councilor Carrington, passed its second reading.

On motion of Councilor Carrington, the bill was read the third time by its title and so passed.

Councilor Woodruff asked and obtained leave to withdraw the general appropriation bill.

Councilor Carrington, of the committee on Judiciary, to whom was referred (H. F. No. 12) "An Act authorizing the Territorial road commissioner to negotiate with the proprietors of Jordan bridge near Lehi city, Utah county," reported back said bill and recommended that the Council do not concur in passing said act, deem-



ing that sec. 7 of "An Act granting unto Charles Hopkins and others the right to build a bridge across the river Jordan" makes ample provision for all that is requisite.

On motion of Councilor Smith, the report of the committee was accepted and the bill returned to the House not concurred in.

On motion of Councilor Smith, the bill (C. F. No. 3) "An Act defining the three Judicial Districts for the District Courts in the Territory of Utah," was taken up for reconsideration.

On motion of Councilor Smith, the bill was amended by striking out the words "Utah, Cedar" in the third line and inserting them in the second line after the word "Juab."

On motion of Councilor W. S. Snow, the bill passed as amended and was sent to the House for their concurrence in the amendment.

The minutes were read and accepted.

On motion of Councilor Carrington, the Council adjourned until 4 p.m.

Benediction by the Chaplain.

4 p.m.

Council met pursuant to adjournment.

Called to order by the President.

Roll called. Quorum present.

The following message was received from the House:—

"The House has concurred in your amendments to (H. F. No. 10) 'An Act in relation to the entering of public lands.'

The accompanying act, (C. F. No. 12) 'An Act defining who are exempt from serving on Juries and prescribing the mode of procuring Grand and Petit Juries and Juries for District Courts and for other purposes,' has been concurred in by the House.

(C. F. No. 3) 'An Act defining the three Judicial Districts for the United States Courts in the Territory of Utah,' as amended by the Council, is concurred in by the House.

The accompanying, 'Resolution ordering the Laws and Journals of the present session printed and published' has passed the House and is herewith submitted for your concurrence.

The accompanying bill, (H. F. No. 20) 'An Act to amend an act in relation to marshals and attorneys, approved March 3, 1852,' has passed the House and is submitted for your concurrence."

The "Resolution ordering the Laws and Journals of the present session printed and published" was read and,

On motion of Councilor Woodruff, referred to the committee on Judiciary.

(H. F. No. 20) "An Act to amend an act in relation to marshals and attorneys, approved March 3, 1852," was read and,

On motion of Councilor W. S. Snow, referred to the committee on Judiciary.

Councilor Smith, of the committee on Judiciary, to whom was

referred (C. F. No. 10) "An Act repealing the first section of an act containing provisions applicable to the laws of the Territory of Utah, approved Jan. 14, 1854," reported that they deemed further legislation on the subject inexpedient.

On motion of Councilor W. S. Snow, the report was accepted and the committee discharged from further duties on the subject.

Councilor Harrington, chairman of the committee on Revenue, to whom was referred (H. F. No. 15) "An Act amending an act prescribing the manner of assessing and collecting Territorial and County taxes," reported back said bill without amendment and recommended its passage.

On motion of Councilor Woodruff, the report was accepted and the bill taken up for consideration.

On motion of Councilor W. S. Snow, passed its first reading.

Said bill was read the second time and,

On motion of Councilor W. S. Snow,

"Sec. 5 Hereafter all funds collected by assessors and collectors shall be paid over to the respective Territorial and County Treasurers in the kind collected"

Was added to the bill.

On motion of Councilor Kimball, the bill passed its second reading as amended.

On motion of Councilor Richards, the bill was read the third time by its title and so passed.

Councilor Woodruff, chairman of the committee on Claims, reported back (C. F. No. 16) "General Appropriation Bill."

On motion of Councilor Harrington, the report was accepted and the bill taken up on its first reading.

On motion of Councilor Kimball, the bill passed its first reading.

The bill was read the second time and,

On motion of Councilor Harrington, passed its second reading.

On motion of Councilor Kimball, the bill was read the third time by its title and so passed.

Councilor Carrington, of the committee on Judiciary to whom was referred "Resolution ordering the Laws and Journals of the present session printed and published," reported back the said Resolution amended.

The resolution was read as amended and,

On motion of Councilor Brunson, passed its first reading.

The resolution was read the second time and,

On motion of Councilor Carrington, the words "and proclamations" were inserted after the words "Governor's Message," also the word "Aldermen" after the word "Mayor" and "Auditor's report and Territorial Treasurer's report" after the word "proclamations."

On motion of Councilor Brunson, the bill passed its second reading as amended.

On motion of Councilor Carrington, the title was so amended as to read "Resolution relating to the publishing and distribution of the Laws and Journals of the present session."

On motion of Councilor Woodruff, the Resolution was read the third time by its title and so passed.

The following message was received from the House:—

"The accompanying bill (H. F. No. 21) "Territorial Appropriation Bill," has passed the House and is respectfully submitted for your concurrence.

The amendment of the Council to (H. F. No 18) 'An Act amending an Act prescribing the manner of assessing and collecting Territorial and County Taxes' is concurred in by the House."

[H. F. No. 21] "Territorial Appropriation Bill" was read and,

On motion of Councilor Woodruff, passed its first reading.

Said bill was taken up on its second reading and,

On motion of Councilor L. Snow, referred to the committee on Judiciary.

The minutes were read and accepted.

On motion of Councilor Farr, the Council adjourned until tomorrow at 11 a.m.

Benediction by the Chaplain.

---

## REPRESENTATIVES' HALL.

G.S.L. CITY, THURSDAY, Jan. 20, 1859, }  
10 a.m. }

House met pursuant to adjournment.

Called to order by the Speaker.

Roll called. Quorum present.

Prayer by the Chaplain.

Mr. Snow presented a petition from James McLellan and others, citizens of Payson, praying for aid from the Legislature to indemnify them for losses in herding, etc.

On motion of Mr. Snow, the petition was received and referred to the committee on Claims.

(Substitute for H. F. No. 16) "An Act changing the times of holding elections in certain cities," being called for, was read and,

On motion of Mr. Spencer, passed its first reading.

The bill was taken up on its second reading by sections.

On motion of Mr. Osborn, the bill was amended by adding sec.

3. "This act shall be in force from and after its passage."



On motion of Mr. Haight, the bill passed its second reading as amended.

On motion of Mr. Stout, the bill passed its third reading by its title and was sent to the Council for their concurrence in the amendment.

(C. F. No. 12) "An Act defining who are exempt from serving on Juries, and prescribing the mode of procuring Grand and Petit Jurors and Juries for District Courts, and for other purposes," was read the first time and,

On motion of Mr. Cummings, passed.

The bill was read a second time by sections and,

On motion of Mr. Little, passed.

The bill was read the third time by its title and,

On motion of Mr. Hyde, passed.

The following communication was received from the Council:—

"Your amendment to 'An Act changing the times of holding elections in certain cities' is concurred in by the Council."

House went into joint session.

[Sec joint session minutes.]

On joint session adjourning the House again resumed its sitting.

Mr. Young presented a "Resolution ordering the Laws and Journals of the present session printed," which was read and,

On motion of Mr. Richards, was received and passed its first reading.

On motion of Mr. Rowberry, the resolution passed its second reading and was sent to the Engrossing committee.

The following communication was received from the Council:—

"Your bill (H. F. No. 10) "An Act in relation to the entering of public lands," has been concurred in by the Council with the following amendment:—by striking out sec. 3. You are respectfully requested to concur in the amendment.

The bill was read as amended and,

On motion of Mr. Spencer, the amendment was concurred in.

Mr. Clawson, chairman of the committee on Claims, reported as follows:—

"Your committee to whom was referred the claims of Thomas Bullock and others, also that of James McKnight for printing, beg leave to report favorable and recommend that the amounts be included in the general appropriation bill."

Mr. Stout moved that the report of the committee on Claims be received and that the original bills be presented to the House, acted upon and referred to the committee on Appropriations. Seconded and carried.

The separate claims were then taken up and,

On motion of Mr. Little, the "Deseret News Office" account was allowed.

The account of Mr. Bullock and others was taken up and,  
On motion of Mr. Stout, passed.

Mr. Clawson moved that the committee on Appropriations be instructed to put upon the appropriation bill the sum of one thousand dollars for services rendered by the Hon. Hosea Stout as Attorney General, up to the present time. Seconded and carried.

Mr. Rockwood moved that the sum of one thousand dollars be appropriated for the relief of the Warden of the Penitentiary. Seconded and carried.

The following communication was received from the Council:—

“The Council do not concur in your bill (H. F. No. 12) ‘An Act authorizing the territorial road commissioners to negotiate with the proprietors of Jordan bridge, near Lehi city, Utah county,’ deeming that sec. 7 of ‘An Act granting unto Charles Hopkins and others the right to build a bridge across the river Jordan’ makes ample provision for all that is requisite.

(C. F. No. 3) ‘An Act defining the three Judicial Districts for the District Courts in the Territory of Utah,’ has been taken up for reconsideration and amended by striking out the words ‘Utah, Cedar’ in the third line and inserting them in the second line.

You are respectfully requested to concur in the amendment.”

(C. F. No. 3) “An Act defining the three Judicial Districts for the District Courts in the Territory of Utah” was read as amended and,

On motion of Mr. West, was concurred in and the Council were notified accordingly.

The following communication was received from the Council:—

“The accompanying bill, [C. F. No. 17] ‘An Act repealing an act granting unto Brigham Young, Wilford Woodruff and other persons, Rush valley for a herd ground and other purposes,’ has passed the Council and is respectfully submitted for your concurrence.”

The bill was read and,

On motion of Mr. Stout, was laid on the table until to-morrow.

Mr. Stout presented the following:—

[H. F. No. 20] “An Act to amend an act in relation to marshals and attorneys, approved March 3, 1852,” which was read and,

On motion of Mr. Stout, the bill was received, read the first time and,

On motion of Mr. Spencer, passed.

The bill was read a second time by sections.

On motion of Mr. Little, the word “suitable” was inserted instead of the word “meet” in second section.

On motion of Mr. Johnson, the word “inconvenient” was inserted instead of the word “impossible” in second section.

On motion of Mr. Johnson, the bill passed its second reading.

On motion of Mr. Richards, the bill passed its third reading by its title and was sent to the Council for their concurrence.

Mr. Richards, chairman of committee on Engrossing, reported back "Resolution ordering the Laws and Journals of the present session printed and published," duly engrossed, which was read and,

On motion of Mr. Little, was adopted and sent to the Council for their concurrence.

House adjourned until 4 p.m.

---

4 p.m.

House met pursuant to adjournment.

Called to order by the Speaker.

Roll called. Quorum present.

Mr. Rockwood, chairman of the committee on Appropriations, reported as follows:—

"Your committee ask leave to report the accompanying bill (H. F. No. 21) "Territorial Appropriation Bill."

On motion of Mr. Haight, the report was received and the bill read the first time.

On motion of Mr. Haight, the bill passed its first reading.

The bill was read the second time by sections and,

On motion of Mr. Little, passed its second reading.

On motion of Mr. Rowberry, the bill passed its third reading by its title and was sent to the Council for their concurrence.

Mr. Rockwood moved that the committee on Revenue be instructed to bring in a bill providing for the salary of the Adjutant General, Treasurer and Auditor of Public Accounts and others not provided for. Seconded and carried.

Mr. Clawson, chairman of the committee on Claims, reported as follows:—

"Your committee to whom was referred the petition of James McLellan and others praying to be indemnified for losses sustained while herding the past year, beg leave to report that, after due consideration on said subject, they deem it inexpedient to legislate thereon and would respectfully suggest that persons desirous of petitioning the Legislative Assembly should be instructed to present said petitions in the early part of the session, in all cases where it is practicable."

On motion of Mr. Little, the report was received and the committee discharged from further duty.

The following communication was received from the Council:—



"Your bill (H. F. No. 18) "An Act amending an Act prescribing the manner of assessing and collecting Territorial and County Taxes," has been concurred in by the Council, by adding

"Sec. 5. Hereafter all funds collected by Assessors and Collectors shall be paid over to the respective Territorial or County Treasurers in the kind collected.

Do you concur in the amendment?"

The bill was read as amended and,

On motion of Mr. Young, was concurred in.

The following communication was received from the Council:—

"The accompanying bill [C. F. No. 16] "General Appropriation Bill," has passed the Council and is respectfully submitted for your concurrence."

The bill was read and,

On motion of Mr. Richards, passed its first reading.

On motion of Mr. Hyde, the bill was referred to the committee on Revenue.

The following communication was received from the Council:—

"Your 'Resolution ordering the Laws and Journals of the present session printed and published' has met the concurrence of the Council with the following amendments:—The title is amended so as to read, 'Resolution relating to the publishing and distribution of the Laws and Journals of the present session.' In the 3rd line, by inserting 'for this Legislative Assembly;' in line five, 'this' is made to read 'the' and 'Proclamations, Auditor's Report and Territorial Treasurer's Report' is inserted at the end of line 6; 'the President of the United States and each of his Cabinet, the President of the Senate, the Speaker of the House of Representatives and' is inserted in the 8th line; in line 13, 'each' is stricken out and 'the laws' inserted, also 'and clerks' after the word 'judges;' in line 14 'District' is inserted after 'Supreme,' and 'one copy' stricken out at the end of the line; line 15 is stricken out; in line 16 'Probate Courts, one copy each' is stricken out, and 'and Territorial' inserted after 'U. S.,' also 'and' stricken out; in line 17, 'to,' inserted at the commencement, 'and Attorney General' inserted after 'Attorney,' 'one copy of' is stricken out at the end of the line; in line 18, 'each' is stricken out, 'additional' inserted before 'civil;' in line 19, 'Aldermen' inserted after 'Mayor,' line 20 is stricken out; line 21 is stricken out, except the word 'one;' in line 22, 'each' is stricken out, and 'the laws' inserted; in line 24, 'respective' is inserted after 'their,' and 'respectively' is crossed out; 'and two copies of the Laws and Journals to each public library in the Territory' is inserted at the end of the Resolution.

You are respectfully requested to concur with the amendments."

The Resolution was read as amended and,

On motion of Mr. Snow, the amendments were concurred in. Minutes were read and accepted.

Adjourned until 10 a.m., Jan. 21, '59.

Benediction by Chaplain.

# COUNCIL.

COUNCIL CHAMBER, FRIDAY, Jan. 21, 1859, }  
11 A. M.

Council met pursuant to adjournment.

Called to order by the President.

Roll called. Quorum present.

Prayer by the Chaplain.

The following message was received from the House:—

The House of Representatives has concurred in your amendments to the resolution relating to the publishing and distribution of the laws and journals of the present session."

Councilor Smith, chairman of the committee on Memorials, reported "Memorial to Congress, to defray the expenses of the Legislature for 1856-7 and 1857-8," which was read.

On motion of Councilor Kimball, the report was accepted and the Memorial laid on the table to come up in its order.

Councilor Smith also reported "Memorial to Congress, for the election of Governor, Judges, Secretary and other Territorial officers, by the people," which was read.

On motion of Councilor Kimball, the report was accepted, and the Memorial laid on the table to come up in its order.

Councilor Smith also presented "Memorial to Congress for the construction of a Magnetic Telegraph across the continent,"

Which was read.

On motion of Councilor Woodruff, the report was accepted and the Memorial laid on the table to come up in its order.

Councilor Farr presented an account of Thomas D. Brown for services as Territorial Road Commissioner,

Which was read, and,

On motion of Councilor L. Snow, referred to the Committee on Judiciary with instructions to include it in the Territorial Appropriation bill.

Councilor Smith, chairman of the committee on Memorials, reported,

"Memorial to Congress for the construction of a national central railroad, via: Great Salt Lake City,"

Which was read.

On motion of Councilor Woodruff, the report was accepted, and the Memorial laid on the table to come up in its order.

Councilor Smith also reported "Memorial to Congress for the establishment of a daily mail from Omaha, Nebraska Territory, via Great Salt Lake to Sacramento,"

Which was read.

On motion of Councilor Brunson, the report was accepted and the Memorial laid on the table to come up in its order.

The following message was received from the House:—

"The General Appropriation Bill," (C. F. No. 16) has been concurred in with the following amendment; by inserting the word 'present' before 'Legislative Assembly,' in the fourth line.

Do you concur in it?

The accompanying bill (H. F. No. 22) entitled 'An Act establishing the salaries of certain Territorial Officers' has passed the House and is submitted for your concurrence."

(C. F. No. 17) "An Act repealing an Act granting unto Brigham Young, Wilford Woodruff and other persons Rush Valley for a herd ground and other purposes," is not concurred in."

(H. F. No. 22) "An Act establishing the salaries of certain Territorial Officers" was read and,

On motion of Councilor Smith, was laid on the table to come up in its order.

On motion of Councilor Smith, the President appointed Councilors Kimball, Woodruff and Farr a special committee to confer with a like committee from the House concerning (C. F. No. 17) "An Act repealing an act granting unto Brigham Young, Wilford Woodruff and other persons, Rush Valley for a herd ground and other purposes."

On motion of Councilor Smith, the amendment of the House to (C. F. No. 16) "General Appropriation Bill," was not concurred in.

Councilor Carrington reported (C. F. No. 18) "An act prescribing the manner of challenging Petit Jurors,"

Which was read and,

On motion of Councilor W. S. Snow passed its first reading.

The bill was read the second time and,

On motion of Councilor Farr, passed its second reading.

On motion of Councilor Carrington, the bill was read the third time by its title and so passed.

"Memorial to Congress to defray the expenses of the Legislature for 1856-7 and 1857-8 was read and,

On motion of Councilor Woodruff, the memorial was adopted.

"Memorial to Congress for the election of Governor, Judges, Secretary and other Territorial officers by the people,"

Was taken up and read.

On motion of Councilor W. S. Snow, the Memorial was adopted.



"Memorial to Congress for the construction of a Magnetic Telegraph across the Continent,"

Was taken up and read.

On motion of Councilor Kimball, the Memorial was adopted.

"Memorial to Congress for the construction of a National Central Railroad via Great Salt Lake City,"

Was taken up and read.

On motion of Councilor Brunson, the Memorial was adopted.

"Memorial to Congress for the establishment of a daily mail from Omaha, Nebraska Territory, via Great Salt Lake to Sacramento,"

Was taken up and read.

On motion of Councilor W. S. Snow, the Memorial was adopted.

(H. F. No. 22.) "An act establishing the Salaries of certain Territorial officers,"

Was taken up and read and,

On motion of Councilor W. S. Snow, passed its first reading.

The bill was read the second time and,

On motion of Councilor Farr, passed its second reading.

On motion of Councilor Johnson, the bill was read the third time by its title, and so passed.

Councilor Smith, of the Committee on Judiciary, to whom was referred (H. F. No. 21) "Territorial Appropriation bill," reported back said bill amended.

The bill was read as amended, and,

On motion of Councilor L. Snow, the report of the committee was accepted, and the bill taken up and read.

On motion of Councilor L. Snow, the bill was concurred in as amended.

On motion of Councilor Carrington, the Joint Session for 2 p.m. to-day, was adjourned until 6 p.m., the house concurring.

The following message was received from the House:—

"The House has concurred in your desire to adjourn the Joint Session until 6 this p.m."

The Minutes were read and accepted.

On motion of Councilor Carrington, the Council adjourned until 5 p.m.

Benediction by the Chaplain.

# REPRESENTATIVES' HALL.

G.S.L. CITY, FRIDAY, Jan. 21, 1859, }  
10 a.m. }

House met pursuant to adjournment.

Called to order by the Speaker.

Roll called. Quorum present.

Prayer by the Chaplain.

Mr. West, chairman of the committee on Revenue, reported as follows:—

“Your committee to whom was referred (C. F. No. 16) ‘General appropriation bill,’ report back the same without amendment.”

On motion of Mr. Spencer, the report was received.

The bill was read a second time by sections and,

On motion of Mr. Stout, the bill was amended by inserting the word “present” before the word “Legislative.”

On motion of Mr. Snow, the bill passed its second reading as amended.

On motion of Mr. Richards, the bill passed its third reading by its title and was sent to the Council for their concurrence in the amendment.

Mr. West, chairman of the committee on Revenue, reported as follows:—

“Your committee to whom was referred the motion to bring in a bill to establish the annual salaries of the within named Territorial officers, very respectfully submit the following bill, and recommend its passage, (H. F. No. 22) ‘An Act establishing the salaries of certain Territorial officers.’”

On motion of Mr. Richards, the report was received.

On motion of Mr. Rich, the bill passed its first reading.

The bill was read a second time by sections and,

On motion of Mr. Thomas, passed.

On motion of Mr. Young, the bill passed its third reading by its title and was sent to the Council for their concurrence.

(C. F. No. 17) “An Act repealing an act granting unto Brigham Young, Wilford Woodruff and other persons, Rush valley for a herd ground and other purposes” was read the [redacted] time and,

On motion of Mr. Stout, the bill was not [redacted] in.

Mr. Hyde, chairman of the committee on Agriculture, Trade and Manufacture, reported as follows:—

“Your committee to whom was referred that portion of His Excellency’s Message, treating upon ‘domestic manufactures,’ beg leave to report, that, in their opinion further legislation upon that

subject is both unnecessary and impracticable at present.

Your committee, however, would recommend that every person in the Territory whose interest is identified with that of the permanent citizens thereof, urge, by all moral suasion and practical example consistent with his circumstances and position, the manufacturing, at home, of every article necessary for the comfort, convenience and happiness of the citizens of Utah. When all the facilities for so doing, within our reach, or at our disposal, shall be exhausted, there will then, in the opinion of your committee, remain ample room for the introduction of all the foreign importations contemplated by the Governor in his Message.

Agricultural productions demand our most serious consideration. Their importation into this Territory in case of scarcity would be, not only impracticable, but suicidal. Hence, your committee would most earnestly recommend to all the citizens of the Great Basin, in view of the painful experience which we had during the years '40, '50 and '51, also during the years '55, '56 and '57, to use all lawful means to lay up in store every article of food possible that will not soon perish, for future use.

Utah contains some fertile valleys. They are, however, small, and often, far between. The vast arid plains that stretch themselves from north to south through this great Interior, together with the numerous ranges of lofty mountains form the bulk of this extensive Territory. Deduct these from the sum total, and little remains in Utah to invite the toil of the husbandman. These few fertile spots are very productive when snows fall upon the mountains in sufficient quantities to produce water necessary for summer irrigation; but when snows fail to descend, crops fail to mature. The vast deserts and lofty mountains by which we are surrounded, yield a crop of crickets and grasshoppers every two or three years, and quite too often, every year. These swarm down upon our growing crops by the thousands of millions, and often, in a day, blast the fairest prospects of the agriculturist. These very insects, in the opinion of your committee, are the most potent legislators that Utah can have to compel her citizens to store up their grain produced in fruitful seasons; and what is still more, we are at the defiance of any earthly executive to veto their *bills* or their *acts*.

Too much attention cannot be paid to the increasing and improving of our stock. A good horse, cow, ox or sheep may be raised with as little expense as a poor or indifferent one. Stock can convey itself to market. This should be exchanged for all needful articles, commodities and fabrics that cannot be produced here. Grain ought not to be sold in this Territory at a price much less than it would cost if brought from the Missouri River or from California, until the people shall have, at least, three years' supply securely stored up."

Minutes were read and accepted.  
Adjourned until 2 p.m.



2 p.m.

House met pursuant to adjournment.

Called to order by the Speaker.

Roll called. Quorum present.

The following communication was received from the Council:—

"Messrs. Kimball, Woodruff and Farr have been appointed a special committee to confer with a similar committee in the House on the subject of (C. F. No. 17) "An Act repealing an Act granting unto Brigham Young, Wilford Woodruff and other persons, Rush Valley for a herd ground and other purposes."

Your amendment to (C. F. No. 16) "General Appropriation Bill" is not concurred in.

The accompanying bill (C. F. No. 18) "An Act prescribing the manner of challenging petit jurors" has passed the Council and is respectfully submitted for your concurrence."

On motion of Mr. Rich, the Speaker appointed a special committee to confer with those of the Council on the matter above named. Messrs. Rich, Rowberry and Haight were appointed said committee.

The following communication was received from the Council:—

"You are respectfully requested to concur with the Council on adjourning the joint session appointed for 2 p.m. to-day until 6 p.m."

On motion of Mr. Young, the House concurred in the adjournment.

(C. F. No. 18) "An Act prescribing the manner of challenging petit jurors" was read the first time and,

On motion of Mr. Cummings, passed its first reading.

The following communication was received from the Council:—

"The accompanying Memorials—'Memorial for a Daily Mail;' 'Memorial to Congress for the construction of a National Central Railroad, via. G. S. L. City;' 'Memorial to defray the expenses of the Legislature for 1856-7 and 1857-8;' 'Memorial to Congress for the construction of a Magnetic Telegraph across the continent;' 'Memorial to Congress for the election of Governor, Judges, Secretary and other Territorial officers, by the people,' have passed the Council and are respectfully submitted for your concurrence.

[H. F. No. 22] "An Act establishing the salaries of certain Territorial officers," has been concurred in by the Council.

[H. F. No. 21] 'Territorial Appropriation Bill' has been amended as per enclosed copy.

You are respectfully requested to concur in the amendment."

The "Memorial for a daily mail" was read and,

On motion of Mr. Young, was concurred in.

The "Memorial to Congress for the construction of a National Central Railroad, via. G. S. L. City," was read and,

On motion of Mr. Spencer, was concurred in.

The "Memorial to Congress for the construction of a Magnetic Telegraph across the continent," was read and,

On motion of Mr. Richards, was concurred in.

The "Memorial to Congress for the election of Governor, Judges, Secretary and other Territorial officers, by the people," was read and,

On motion of Mr. Spencer, adopted.

[H. F. No. 21] "Territorial Appropriation Bill," was read as amended and,

On motion of Mr. Peacock, was concurred in.

Mr. Osborn, presented [H. F. No. 23] "An Act to incorporate the Brown City Company," which was read,

On motion of Mr. Cummings, was received and referred to the committee on Incorporations.

[C. F. No. 18] "An Act prescribing the manner of challenging petit jurors" was taken up on its second reading by sections and,

On motion of Mr. Rich, was referred to the committee on Judiciary.

Minutes were read and accepted.

House adjourned until 6 p.m.

## COUNCIL.

COUNCIL CHAMBER, FRIDAY, Jan. 21, 1859, }  
5 P M. }

Council met pursuant to adjournment.

Called to order by the President.

Roll called. Quorum present.

The following message was received from the House:—

"The accompanying Memorials "Memorial for a Daily Mail" "Memorial to Congress for the construction of a national central Railroad via Great Salt Lake City."

"Memorial to Congress for the construction of a Magnetic Telegraph across the Continent," and,

"Memorial to Congress for the election of Territorial Officers by the People" have been adopted by the House.

Your amended copy of (H. F. No. 21) "Territorial Appropriation Bill" is concurred in."

Councilor Smith, chairman of the committee on Memorials, reported,

"Memorial for a donation of lands to cities, towns and villages,"

Which was read and,

On motion of Councilor Kimball, the report of the committee was accepted and the memorial taken up for consideration.

On motion of Councilor L. Snow, the memorial was adopted. Councilor Carrington, of the Committee on Judiciary to whom was referred (H. F. No. 20) "An Act to amend an act in relation to marshals and attorneys" approved March 3, 1852. Reported back said bill amended.

On motion of Councilor L. Snow the report of the committee was accepted and the bill concurred in as amended.

Councilor Carrington, of the Committee on Judiciary, to whom was referred (C. F. No. 6,) "An Act assigning the chief justice and the two associate justices to their respective judicial districts" reported back the same amended.

The bill was read as amended, and,

On motion of Councilor Woodruff, passed its first reading. And was read the second time.

On motion of Councilor L. Snow, the bill passed its second reading.

On motion of Councilor Johnson, the bill was read the third time by its title and so passed.

A communication was received from His Excellency Governor Cumming.

On motion of Councilor Smith, (C. F. No. 17) "An Act repealing an act granting unto Brigham Young, Wilford Woodruff and other persons Rush Valley for a herd ground and other purposes," was taken up for reconsideration.

Councilor Kimball, chairman of the Special Committee reported a proviso to be added to the bill.

On motion of Councilor Johnson, the report of the committee was accepted.

On motion of Councilor W. S. Snow, the bill passed its first reading as amended.

On motion of Councilor Brunson, the bill passed its second reading.

On motion of Councilor W. S. Snow, the bill passed its third reading, and was sent to the House for their concurrence.

A message was received from the House.

(C. F. No. 18) "An Act prescribing the manner of challenging Petit Jurors" was read as amended by the House.

On motion of Councilor Woodruff, the Council concurred in the amendments.

Councilor Carrington, of the Committee on Judiciary, to whom was referred "Joint Resolution in relation to mail service." Reported back said bill amended. Which was read.

On motion of Councilor Woodruff, the report was accepted and the resolution taken up for consideration.



On motion of Councilor Carrington, passed its first reading as amended, and was taken up on its second reading.

On motion of Councilor Kimball, the Resolution passed its second reading.

On motion of Councilor Woodruff, the Resolution was read the third time by its title and so passed.

The following message was received from the House:—

"The accompanying bill (C. F. No. 17) "An Act repealing an act granting unto Brigham Young, Wilford Woodruff and other persons Rush Valley for a herd ground and other purposes," has been concurred in."

A communication was received from His Excellency Governor Cumming.

A communication was received from His Excellency Governor Cumming.

On motion of Councilor Smith the "Act defining the three Judicial Districts for the District Courts in the Territory of Utah," was reconsidered and amended by adding the following words, "This act to take effect and be in force from and after the first day of May, A.D. 1859."

The following message was received from the House:—

"The House concurs in your amendment to 'An act defining the three Judicial Districts for the district courts in the Territory of Utah.'"

Councilor Carrington, of the Committee on Judiciary, to whom was referred (C. F. No. 1) "An act apportioning the Representation of Utah Territory" reported as a substitute (C. F. No. 19) "An act apportioning to certain counties Representatives to the Legislative Assembly," and recommended the non-concurrence of the Council to the amendments of the House to (Council File No. 1.)

On motion of Councilor Harrington, the report of the committee was accepted, and the substitute taken up for consideration.

On motion of Councilor Kimball, the bill passed its first reading.

The bill was read the second time and,

On motion of Councilor Harrington passed its second reading.

On motion of Councilor Johnson, the bill was read by its title and so passed.

A communication was received from His Excellency Governor Cumming.

On motion of Councilor Kimball, the Council adjourned to meet in Joint Session.

Council resumed its sitting on dissolution of Joint Session.

A communication was received from His Excellency Governor Cumming.

On motion of Councilor Carrington, the Fee Bill was taken up for reconsideration and an amendment inserted.

The following message was received from the House:—

"The House has concurred in your amendment to sec. 13 of 'An Act concerning costs and fees of courts, and for other purposes,' and the bill is herewith returned."

A communication was received from His Excellency Governor Cumming.

On motion of Councilor Carrington, "An Act defining the mode of procuring Grand and Petit Jurors and Juries," was taken up for reconsideration and,

On motion of Councilor Smith, some amendments were adopted.

On motion of Councilor Carrington, (C. F. No. 16) "General Appropriation Bill" was taken up for reconsideration.

On motion of Councilor Carrington, the bill was so amended as to read "out of the monies appropriated by Congress to defray Legislative expenses in the Territory of Utah the following amounts to defray the expenses of the present Legislative Assembly, to wit:"

The following message was received from the House:—

"The House has concurred in your amendments to 'An Act defining who are exempt from serving on Juries and prescribing the mode of procuring Grand and Petit Jurors and Juries for District Courts and for other purposes.'"

The following message was received from the House:—

"The House has concurred in your amendments to the "General Appropriation Bill.

Communications were received from his Excellency Governor Cumming.

On motion of Councilor Kimball, a note was addressed to the House inquiring if they had any more business to present prior to the adjournment of the Council.

The following message was received from the House:—

"Our table is clear and we have no further business prior to adjournment."

On motion of Councilor Kimball, a note was addressed to his Excellency the Governor asking whether he had any further communications to present to the Assembly prior to their adjournment.

The following communication was received from his Excellency Governor Cumming:—

"Your favor of this date has been handed me by the messenger, notifying me of the fact that you have closed your official business. I have no further business to communicate to the Legislative Assembly.

Please accept this expression of my approval of the energy and perseverance with which you have performed your official duties as Representatives of the interests of the people of the Territory."

The following message was received from the House:—

"The accompany 'Resolution for convening the Legislative Assembly' and 'Resolution in relation to notifying persons elected to office by joint vote of the Assembly' have passed the House and are respectfully submitted for your concurrence."

The "Resolution in relation to notifying persons elected to office by joint vote of the Assembly" was taken up and read and,

On motion of Councilor Carrington, the resolution was concurred in.

The "Resolution for convening the Legislative Assembly" was taken up and read and,

On motion of Councilor Carrington, the Council concurred therewith.

Minutes were read and accepted.

On motion of Councilor Carrington, the Council adjourned to meet in the Social Hall in Great Salt Lake City on the second Monday in December 1859, at 10 a.m.

Benediction by Chaplain.

## REPRESENTATIVES' HALL.

G.S.L. CITY, FRIDAY, Jan. 21, 1859, }  
6 p.m. }



House met pursuant to adjournment.

Called to order by the Speaker.

Roll called. Quorum present.

Mr. Stout, chairman of committee on Judiciary, reported as follows:—

“Your committee to whom was referred (C. F. No. 18) ‘An Act prescribing the manner of challenging petit jurors,’ beg leave to report, that they have duly considered the same and recommend striking out the words ‘alternately or otherwise’ in the fourth line, and all of the 1st sec. after the words ‘as many as six’ in the tenth line.”

On motion of Mr. Richards, the report was received and the bill read as amended.

On motion of Mr. Richards, the bill passed its second reading by sections.

On motion of Mr. Spencer, the bill passed its third reading by its title and was sent to the Council for their concurrence in the amendments.

The following communication was received from the Council:—

“The accompanying ‘Memorial for a donation of lands to cities, towns and villages’ has been adopted by the Council and is respectfully submitted for your concurrence.”

The memorial was read and,

On motion of Mr. Young, adopted.

The following communication was received from the Council:—

“Your bill (H. F. No. 20) ‘An Act to amend an act in relation to marshals and attorneys, approved March 3, 1857’ has been concurred in by the Council with the following amendments:—in sec. 2 by striking out ‘a suitable person learned in the law and residing near the place where said court is held’ and inserting ‘one or more persons’ also by striking out ‘his.’ In sec. 3 ‘that’ is stricken out, also ‘and all laws or parts of laws conflicting with this act are’ is stricken out and ‘is’ inserted. You are respectfully requested to concur with the amendments.”

On motion of Mr. West, the amendments were concurred in.

The following communication was received from the Council:—

“The accompanying bill, (C. F. No. 6) ‘An Act assigning the Chief Justice and the two associate Justices to their respective Judicial Districts’ has passed the Council and is respectfully submitted for your concurrence.”

The bill was read the first time and,

On motion of Mr. Richards, passed.

The bill was read the second time by sections and,

On motion of Mr. Hyde, passed.

The bill was read the third time by its title and,

On motion of Mr. Snow, passed.

"Memorial to Congress to defray the expenses of the Legislature for 1856-7 and 1857-8" was read and,

On motion of Mr. Young, was adopted.

On motion of Mr. Stout, the joint session was postponed until 9 p.m. the Council concurring.

The following communication was received from the Council:—

(C. F. No. 17) "An Act repealing an act granting unto Brigham Young, Willford Woodruff and other persons, Rush valley for a herd ground and other purposes" has been reconsidered and amended by adding the following proviso:—

"Provided that nothing in this act shall prevent those that have had surveys made on said grant, or built houses or corrals, or made other improvements thereon, from occupying the same unmolested, and shall have said surveys secured to them by said act."

You are respectfully requested to concur in the bill as amended.

On motion of Mr. Hyde, the amendments were concurred in.

Mr. Haight, chairman of the committee on Incorporations, reported as follows:—

"Your committee to whom was referred (H. F. No. 23) 'An Act to incorporate Brown City Company,' most respectfully beg leave to report, that the bill being presented at this late hour of the session, prevents us from giving the subject that due consideration which the importance of it requires, deem it not expedient to legislate thereon at this session."

On motion of Mr. Rich, the report was received.

The following communication was received from the Council:—

"Your amendments to [C. F. No. 18] 'An Act prescribing the manner of challenging petit jurors' are concurred in."

The following communication was received from the Council:—

"The accompanying 'Joint Resolution in relation to mail service' has met the concurrence of the Council with the following amendments:—by striking out all from 'whereas' to 'therefore,' by inserting 'hereby' after 'we,' by striking out 'President and,' by inserting 'mail' before 'service,' by inserting 'upon the present mail route between St. Joseph's, Mo., and Placerville, Cal.," after 'speed,' by striking out 'so as,' by striking out 'to carry' and inserting 'that' before 'the mails,' by inserting 'may be transported thereon' after

the 'mails,' by striking out all between 'over' and 'in,' by inserting 'and within' before 'twenty,' by striking out 'from St. Joseph to Placerville' and inserting 'for each trip,'"

On motion of Mr. Osborn, the amendments were not concurred in.

The following communication was received from the Council:—

"An Act defining the three Judicial Districts for the District Courts in the Territory of Utah' has been reconsidered and amended by adding 'This Act to take effect and be in force from and after the first day of May A.D., 1859.'

Do you concur in the amendment?"

On motion of Mr. Osborn, the amendment was concurred in.

The following communication was received from the Council:—

"Your amendments to (C. F. No. 1) 'An Act apportioning the representation of U. T.' are not concurred in.' A substitute, (C. F. No. 19) 'An Act apportioning to certain counties Representatives to the Legislative Assembly' has passed the Council and is submitted for your concurrence."

The bill was read and,

On motion of Mr. Rich, passed its first reading.

The bill was read the second time by sections and,

On motion of Mr. Rockwood, passed,

On motion of Mr. Haight, the bill passed its third reading by its title, and the Council notified accordingly.

A communication was received from His Excellency the Governor.

The House went into joint session. (See joint session minutes.)

On joint session dissolving, the House resumed its sitting.

The following communication was received from the Council:—

"The accompanying bill 'An Act concerning costs and fees of Courts and for other purposes' has been taken up for reconsideration, and amended in sec. 13, by inserting 'after the complainant shall pay the costs' the words 'unless probable cause shall have been shewn in said trial.'

Do you concur in the amendment?"

On motion of Mr. Stout, the House concurred in the amendment.

The following communication was received from the Council:—

"An Act defining who are exempt from serving on juries, and prescribing the mode of procuring Grand and Petit Jurors and Juries for District Courts and for other purposes' has been reconsidered and amended by striking out sec. 2; wherever the word 'fifteen'



occurs, it is made to read 'twenty-four;' to sec. 13 is added after the word 'complete' 'and if the number of Petit Jurors returned to said Court shall be exhausted, then the proper officer shall upon the order of the Judge, summon talismen from the body of the county to complete said panel.'

Will you concur in the amendments?"

On motion of Mr. Richards, the amendments were concurred in.

The following communication was received from the Council:—

"(C. F. No. 16) 'General Appropriation Bill' has been amended by the Council so as to read in the first clause, 'that there be appropriated out of the monies appropriated by Congress to defray Legislative expenses in the Territory of Utah, the following amounts to defray the expenses of the present Legislative Assembly,' you are requested to concur with the Council in the amendments."

On motion of Mr. Rich, the House concurred.

The following communication was received from the Council:—

"Our table is clear, and we are about to adjourn. Have you any further business to present prior to said adjournment?"

There was no business to present and the Council was notified accordingly.

Mr. Rich presented. "Resolution for convening the Legislative Assembly."

On motion of Mr. Osborn, the Resolution was adopted and sent to the Council for concurrence.

Mr. Stout, presented a "Resolution in relation to notifying persons elected to office by joint vote of the Assembly."

On motion of Mr. Richards, the Resolution was adopted and sent to the Council for their concurrence.

The Council notified the House that the "Resolution in relation to notifying persons elected to office by joint vote of the Assembly" and "Resolution for convening the Legislative Assembly," were concurred in.

Minutes were read and accepted.

House adjourned to meet in the Social Hall in Great Salt Lake City, on the 2d Monday of December, 1859, at 10 a.m.

# JOINT SESSION.

JOINT SESSION, REPRESENTATIVES' HALL, }  
THURSDAY, Jan. 20, 1859. }  
11½ a.m.

The Assembly met in joint session according to previous appointment.

Called to order by the President of the Council.

Rolls called. Quorums present.

The following officers were elected:—

Seth M. Blair, Hosea Stout, George A. Smith, a special committee of Revision to embody the laws applicable to Utah Territory.

Peter Maughn, Probate Judge of Cache county.

Curtis E. Bolton, Notary Public of G. S. L. county.

On motion of Councilor Smith, the election of two District Attorneys was laid over until to-morrow at 2 p.m.

On motion of Councilor W. S. Snow, the joint session adjourned until to-morrow at 2 p.m.

---

JOINT SESSION, REPRESENTATIVES' HALL, }  
FRIDAY, Jan. 21, 1859. }  
9 p.m.

The Assembly met in joint session pursuant to adjournment.

Called to order by the President of the Council.

Rolls called. Quorums present.

The minutes of last joint session were read and accepted.

The following officers were elected:—

Jesse N. Smith, District Attorney for Washington, Iron, Beaver, Millard, San Pete, Juab, Utah and Cedar Counties.

W. H. Broomfield, District Attorney for Carson, Humboldt, and St. Mary Counties.

Thomas Obray, Notary Public for Cache county.

On motion of Mr. Stout, the election of a Notary Public for Green River county was laid over.

Mr. Hyde, presented the following Resolution:—

“Be it Resolved by the Legislative Assembly of the Territory of Utah in joint session: That we highly appreciate the labors and services of His Excellency Governor A. Cumming in correctly reporting to the Government at Washington concerning the Public Records and Library of this Territory: and,

Be it further Resolved, That his general bearing towards the citizens of Utah has been gentlemanly, courteous and satisfactory, and that his firm, independent, and impartial course has given strength and power to his administration, and his skill and wisdom have essentially aided in preserving the public peace; and that these Resolutions be published in the “Deseret News.”

On motion of Councilor Carrington, the Resolution was adopted.

On motion of Mr. Rich, the President appointed Councilors Harrington and W. S. Snow, on the part of the Council, and the Speaker appointed in behalf of the House, Messrs. Woolley, Wright and Osborn, a special committee to wait upon Secretary Hartnett.

A communication was received from His Excellency the Governor.

The minutes were read and accepted.

On motion of Councilor Carrington, the joint session dissolved.



